



United States Department of State

*Bureau of Oceans and International
Environmental and Scientific Affairs
OES/ENV Room 2657
Washington, D.C. 20520*

Date: September 22, 2011

To: All interested parties

From: Alexander Yuan, U.S. Department of State (DOS), Project Manager and NEPA
Coordinator

**Subject: Keystone XL Project
Final Environmental Impact Statement (final EIS) – Errata Sheet**

On August 26, 2011, a paper copy and/or CD copy of the final EIS for the Keystone XL Project was distributed to the Cooperating Agencies, other federal agencies, Members of Congress, relevant state and local governments, libraries identified in the states along the proposed pipeline route, and organizations and individuals who are known to have an interest in the final EIS. At the same time, all known stakeholders (including government representatives and agencies, media, landowners and companies, Indian tribes, non-governmental organizations, and public organizations) were mailed letters regarding the Notice of Availability of the final EIS.

Due to an oversight, two paragraphs describing available ways to mitigate or offset for greenhouse gases associated with operation of the Project were not included in Section 3.14 Cumulative Impacts (Volume 2). These two paragraphs are now provided in the amended EIS section at the top of page 3.14-60 as well as the relevant footnotes at the bottom of the same page and the relevant three new references listed on pages 3.14-73 and 3.14-74 and are presented in Table 1 of the attached Errata Sheet. Additionally, inconsistencies between the final EIS and the EnSys reports (2010, 2011) have been amended in the EIS and are also presented in Table 1 of the attached Errata Sheet.

The Department of State (DOS) requests that all interested parties accept this Errata Sheet and include it with the final EIS.

DOS will notify all interested parties that received a copy of the final EIS or the Notice of Availability of this change. Together with this cover letter, Errata Sheet and the amended sections of the EIS will be made available on the Project website: <http://www.keystonepipeline-xl.state.gov>.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Alexander Yuan
U.S. Department of State
OES/ENV Room 2657
Washington, DC 20520
Telephone: 202-647-4284

Errata Sheet

Keystone XL Project – Final EIS

As of September 22, 2011 the following errata and clarifications to the final EIS for the Keystone XL Project are presented in the table below.

TABLE 1. Errata and Clarifications	
Page	Differences in the original text and the amendment are highlighted in gray
Volume 1: Page 1-11	<p><u>Original Text:</u> EnSys (2010) projected that excess cross border capacity for areas of the U.S. outside of PADD III would exist until about 2019 to 2030.</p> <p><u>Amendment:</u> EnSys (2010) projected that excess cross border capacity for areas of the U.S. outside of PADD III would exist until about 2019 to 2030, depending on the development of pipeline or other transport capacity to the British Columbia Coast.</p>
Volume 2: Page 3.13-48; Table 3.13.5-7	<p>Benzene data (bottom row of table on the page) under Dubai Heavy (Fateh) has been corrected from 6.5 to 0.65.</p>
Volume 2: Page 3.14-60	<p><u>New Text:</u> Although the GHG footprint of pipeline operations is much smaller than the life-cycle footprint of the oil sands crude transmitted through the pipeline, mitigation opportunities exist for reducing GHGs from operations as well. One such opportunity would involve purchase of “green power” – i.e., electricity generated from renewable sources – to provide electricity for operations, potentially eliminating the carbon footprint from electricity. Both EPA (2011) and DOE (2011) provide information on green power products offered by organizations in the United States. These products include green pricing programs (which allow consumers to pay a premium to support utility company investments in renewable energy), retail green power products (i.e., the sale of electricity generated from renewables in competitive markets), and renewable energy certificate (REC) products²¹ (also known as green tags or tradable renewable credits) (DOE 2010).²² In Canada, the Ecologo Program²³ provides third-party certification of renewable electricity products that can be purchased for green power.</p> <p>Carbon credits and carbon offsets could also be purchased to offset GHG emissions from the Proposed project via GHG reductions made elsewhere. Carbon credits are tradable certificates that allow entities to emit a certain quantity of CO₂ or CO₂-equivalent GHG emissions. Under a cap-and-trade program that establishes a limit on GHG emissions that can be emitted by a group of entities, credits—or excess allowances—are generated by entities that emit below their regulated limit, and can be sold to other regulated and non-regulated entities. In the United States, excess allowances could be purchased from the Regional Greenhouse Gas Initiative (RGGI), and the cap-and-trade system being developed under California’s Global Warming Solutions Act (Assembly Bill 32). Carbon offsets, in contrast, are certified reductions in GHG emissions generated from entities not included in cap-and-trade programs. Several organization and entities have developed carbon offset standards and protocols to ensure that offsets are</p>

TABLE 1. Errata and Clarifications	
Page	Differences in the original text and the amendment are highlighted in gray
	real, measurable, permanent, and in addition to what would have happened without a market for selling offsets. ²⁴ Landfill methane collection and combustion systems, avoiding methane emissions from organic waste, and implementing agricultural and forestry practices to enhance carbon sequestration in soils and forests are examples of projects that can register carbon offsets, provided they meet the requirements of the certifying standard or protocol. Some cap-and-trade programs also allow the use carbon offsets to meet emission limits.
Volume 2: Page 3.14-60	<p><u>New Footnotes:</u></p> <p>²¹ In the context of offsetting GHG emissions, RECs only guarantee that an amount of electricity has been generated from renewable sources; they do not necessarily guarantee that the renewable electricity generated is additional to what would have been generated but for the purchase of a REC.</p> <p>²² See EPA's Green Power Partnership (http://www.epa.gov/greenpower/) and DOE's Green Power Network (http://apps3.eere.energy.gov/greenpower/).</p> <p>²³ The Ecologo is a Type I eco-label (as defined by the International Organization for Standardization (ISO), meaning that it involves third-party certification of environmental performance based on an evaluation of multiple environmental criteria. Ecologo was founded by the Government of Canada in 1988 and is managed by TerraChoice since 1995.</p> <p>²⁴ Examples of carbon offset standards and trading entities include: the Clean Development Mechanism (CDM) (http://cdm.unfccc.int/index.html), the Climate Action Reserve (CAR), (http://www.climateactionreserve.org/), the Verified Carbon Standard (http://www.v-c-s.org/), the Gold Standard Registry (http://goldstandard.apx.com/), and the Chicago Climate Exchange (CCX) (https://www.theice.com/ccx.jhtml).</p>
Volume 2: Pages 3.14-73 and 3.14-74	<p><u>New References:</u></p> <p>U.S. Department of Energy (DOE). 2010. Green Power Markets. U.S. Department of Energy (DOE), Energy Efficiency and Renewable Energy. The Green Power Network. Website: http://apps3.eere.energy.gov/greenpower/markets/index.shtml.</p> <p>U.S. Department of Energy (DOE). 2011. Buying Green Power: Can I Buy Green Power in my State? U.S. Department of Energy (DOE) Energy Efficiency and Renewable Energy. The Green Power Network. Website: http://apps3.eere.energy.gov/greenpower/buying/buying_power.shtml.</p> <p>U.S. Environmental Protection Agency (EPA). 2011. Green Power Locator. U.S. Environmental Protection Agency (EPA), Green Power Partnership. Website: http://www.epa.gov/greenpower/pubs/gplocator.htm.</p>

TABLE 1. Errata and Clarifications

Page	Differences in the original text and the amendment are highlighted in gray
Volume 2: Page 4-17	<p><u>Original Text:</u> Based on that study, EnSys (2011) conservatively estimated that the four major existing cross-border rail lines from Canada to the U.S. could accommodate crude oil train shipments of over 1,000,000 bpd. EnSys (2011) noted that although information was only available about the four major rail crossings of the international border, there were in fact 56 existing rail border crossings with Canada in the geographic area where crude oil train shipments would be most likely.</p> <p><u>Amendment:</u> Based on that study, and statistics from the Department of Transportation, EnSys (2011) conservatively estimated that the existing cross-border rail lines from Canada to the U.S. could accommodate crude oil train shipments of over 1,000,000 bpd.</p>
Volume 2: Page 4-17	<p><u>Original Text:</u> Rail capacity has increased rapidly to fill the gap between the increased crude oil production and pipeline transport capacity. The first rail shipments of crude oil out of the Williston Basin occurred in the latter half of 2008. By 2010 there was loading capacity of just over 100,000 bpd. By June 2011 there was nearly 300,000 bpd of rail capacity, and projects announced and under construction will increase that to 450,000 bpd by the end of 2012 (Figure 4.1.2-2). At least one of the rail projects is designed to be expandable to 700,000 bpd of rail capacity that could be available by 2013 if market conditions warranted (EnSys 2011).</p> <p><u>Amendment:</u> Rail capacity has increased rapidly to fill the gap between the increased crude oil production and pipeline transport capacity. The first rail shipments of crude oil out of the Williston Basin occurred in the latter half of 2008. By 2010 there was loading capacity of just over 100,000 bpd. By June 2011 there was nearly 300,000 bpd of rail capacity, and projects announced and under construction will increase that to 450,000 bpd by the end of 2012 (Figure 4.1.2-2). At least one of the rail projects is designed to be expandable to 750,000 bpd of rail capacity that could be available by 2013 if market conditions warranted (EnSys 2011).</p>
Volume 2: Page 4-28	<p><u>Original Text:</u> The existing Keystone Oil Pipeline Project extends from the U.S. border in North Dakota to Patoka, Illinois; it also includes the Cushing Extension which extends from Steele City, Nebraska to Cushing, Oklahoma. It currently has the capacity to transport 435,000 bpd of WCSB crude from Canada to refineries in PADD II. On December 22, 2010, Argus.com (2010) reported that the existing Keystone Oil Pipeline was transporting approximately 250,000 bpd of crude oil.</p> <p><u>Amendment:</u> The existing Keystone Oil Pipeline Project extends from the U.S. border in North Dakota to Patoka, Illinois; it also includes the Cushing Extension which extends from Steele City, Nebraska to Cushing, Oklahoma. It currently has the capacity to transport 591,000 bpd of WCSB crude from Canada to refineries in PADD II. On December 22, 2010, Argus.com (2010) reported that the existing Keystone Oil Pipeline was transporting approximately 250,000 bpd of crude oil.</p>

TABLE 1. Errata and Clarifications

Page	Differences in the original text and the amendment are highlighted in gray
Volume 2: Page 4-32	<p><u>Original Text:</u> Although Enbridge has stated that the Monarch Pipeline would transport some heavy crude oil, it is being designed and proposed to transport lighter crudes to the Gulf Coast. Even without the transport of lighter crudes, its maximum capacity would not be sufficient to satisfy market demand to which the proposed Project is responding (firm contracts to deliver 380,000 bpd to the Gulf Coast). Finally, it would be necessary to construct a pipeline to Cushing to supply the WCSB crude oil. The impacts of construction of that pipeline and construction of the Monarch Pipeline would result in impacts that would be similar in nature and extent to those of the proposed Project along the same approximate distance.</p> <p><u>Amendment:</u> Although Enbridge has stated that the Monarch Pipeline would transport some heavy crude oil, it is being designed and proposed to transport lighter crudes to the Gulf Coast. Even without the transport of lighter crudes, its maximum capacity would not be sufficient to satisfy market demand to which the proposed Project is responding (firm contracts to deliver 380,000 bpd to the Gulf Coast). Finally, it would be necessary to construct a pipeline to Cushing to supply the WCSB crude oil. Enbridge announced it was considering such a “full pass” solution to the Cushing bottleneck by also constructing a pipeline from the Chicago area to Cushing, but the proposal is still in preliminary stages. The impacts of construction of that pipeline and construction of the Monarch Pipeline would result in impacts that would be similar in nature and extent to those of the proposed Project along the same approximate distance.</p>
Volume 2: Page 4-35	<p><u>Original Text (Page 4-35):</u> The use of rail tank cars for delivery of WCSB crude oil may not be as cost-effective as transport by pipeline and may result in higher transportation costs. Although the Canadian National website has suggested that transport prices on rail are at least competitive with pipeline tariffs, the EnSys (2010) report states the following regarding PipelineOnRail™:</p> <p>“This study did not allow for the expansion of the PipelineOnRail™ capacity in any scenario because tariffs for rail are generally not considered attractive relative to pipelines. However, during a period of constrained pipeline capacity, the PipelineOnRail™ could compete as an alternative.”</p> <p><u>Amendment (Page 4-36):</u> The use of rail tank cars for delivery of WCSB crude oil may not be as cost-effective as transport by pipeline and may result in higher transportation costs. Although the Canadian National website has suggested that transport prices on rail are at least competitive with pipeline tariffs, the EnSys (2010) report states the following regarding PipelineOnRail™:</p> <p>“This study did not allow for the expansion of the PipelineOnRail™ capacity in any scenario because tariffs for rail are generally not considered attractive relative to pipelines. However, during a period of constrained pipeline capacity, the PipelineOnRail™ could compete as an</p>

TABLE 1. Errata and Clarifications	
Page	Differences in the original text and the amendment are highlighted in gray
	<p>alternative.”</p> <p>EnSys 2011 did note that when considered on a cost per barrel of bitumen basis, the difference between pipeline tariffs and the cost of rail shipment narrows.</p>
Volume 3: Page A-43 (Consolidated Responses)	<p><u>Original Text:</u> The EnSys (2011) study indicated that the volume of refining that occurs in PADD III would be independent of the proposed Project and is controlled by market demands for refined petroleum products produced in PADD III. The EnSys (2011) study further indicated that the proposed Project would not increase total crude oil deliveries to the U.S. in general or PADD III in particular, but would largely replace decreasing heavy crude oil deliveries to PADD III from other existing sources.</p> <p><u>Amendment:</u> The EnSys (2010) study indicated that the volume of refining that occurs in PADD III would be independent of the proposed Project and is controlled by market demands for refined petroleum products produced in PADD III. The EnSys (2010) study further indicated that the proposed Project would not increase total crude oil deliveries to the U.S. in general or PADD III in particular, but would largely replace decreasing heavy crude oil deliveries to PADD III from other existing sources.</p>



To All Interested Parties,

An Environmental Assessment (EA) has been prepared for a Future Fisheries Project tentatively planned to enhance spawning habitat for Yellowstone cutthroat trout in lower Locke Creek. This proposed project is located on property owned by the Highland Livestock Company approximately 6 miles east of the town of Livingston in Park County.

In an effort to reduce printing and mailing costs, you have received this post card notifying you that a draft EA has been completed and is available for your review.

If you are interested in receiving a copy of this EA, please contact Montana Fish, Wildlife and Parks at (406) 444-2432. You can review an electronic version at www.fwp.state.mt.us/publicnotices. The comment period ends October 13, 2002. Please note that this draft EA will be considered as final if no substantive comments are received by the deadline listed above.

Postage
Paid
Permit No. 20731
Newark, NJ 07102-4001

Invitation
Special
Postage
Paid



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-11-28

November 14, 2011

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue wastewater discharge permits to the facilities listed in this notice. These permits are issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); ARM 17.30.1001 *et seq.*, Montana Ground Water Pollution Control System (MGWPCS); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared draft permits for the facilities listed below. Copies of the draft permits, statements of basis, and environmental assessments are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT:

City of Cut Bank
221 West Main St.
Cut Bank, MT 59427

FACILITY NAME:

City of Cut Bank Wastewater Treatment Plant

FACILITY LOCATION:

Township 33N, Range 5W, Section 6
64 Nyhagen Road
Cut Bank, MT 59427

RECEIVING WATER:

Outfall 001: Old Maids Coulee

PERMIT NUMBER:

MT0020141

This notice is for renewal of the Montana Pollutant Discharge Elimination System (MPDES) permit for the City of Cut Bank Wastewater Treatment Plant (WWTP) in serving the City of Cut Bank and discharging to Old Maids Coulee. The WWTP is a secondary system comprised of two "accelerated" facultative lagoons utilizing aerators/mixers. The WWTP services a population of approximately 3,500 in Cut Bank. Old Maids Coulee is classified as a B-1 water body. No mixing zone is proposed to be granted for the facility. The facility is

subject to state non-degradation requirements. Technology-based effluent limits for biological oxygen demand and total suspended solids are proposed. Water quality based effluent limits are proposed for Escherichia coli bacteria, total residual chlorine, total ammonia as N, total nitrogen as N, total phosphorus as P, and oil and grease. Monitoring of parameters for influent, effluent, and background water are proposed.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA, et al., CA 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because the discharge does not constitute a new or increased source.

* * * * *

APPLICANT INFORMATION

APPLICANT NAME: Turah Meadows County Sewer and Water District

FACILITY NAME: Turah Meadows Subdivision

FACILITY LOCATION: Section 35, Township 13 North, Range 18 West, Missoula County

RECEIVING WATER: Class I Ground Water

PERMIT NUMBER: MTX000146

This is a renewal of an existing permit for the Turah Meadows Subdivision wastewater treatment system (WWTS). The WWTS is currently used to treat domestic wastewater from 67 single-family residential lots and three commercial lots. The WWTS has a design capacity of 21,000 gallons per day with treatment consisting of a recirculating sand filters.

The proposed permit renewal authorizes the permittee to discharge treated domestic wastewater to ground water from one drain field identified as Outfall 001. The outfall is located at 46° 50' 04" North Latitude and -113° 49' 57" West Longitude. Ground water beneath the property is listed as Class I according to the Administrative Rules of Montana [ARM 17.30.1006(1)]. A standard 500-foot ground water mixing zone has been granted.

* * * * *

APPLICANT INFORMATION

APPLICANT NAME: Frontier Builders, Inc.

FACILITY NAME: Timber Work Estates Subdivision

FACILITY LOCATION: Section 18, Township 11 North, Range 3 West, Lewis and Clark County

RECEIVING WATER: Class I Ground Water

PERMIT NUMBER: MTX000225

The proposed Timber Works Estates Subdivision (TWES) will encompass 63.68 acres northwest of the intersection of North Montana Avenue and Lincoln Road. The wastewater treatment system is a Northwest Water Systems sequencing batch reactor (SBR) Model 7500. An SBR is an advanced wastewater treatment system, designed to achieve Level 2 treatment. Effluent is also treated in a Sanitron Model S5000B UV disinfection unit. On-site development will include 83 proposed single-family residential lots and 22 proposed business connections. Potential off-site connections include one existing school and an existing grocery store with a food processing entity.

The proposed permit authorizes discharge of domestic wastewater to one (1) subsurface drain field (Outfall 001) which will then discharge to Class I Ground Water. Class I ground water is the receiving water for Outfall 001. Outfall 001 is located at N 46° 42' 27.2" latitude and W -112° 1' 18.1" longitude situated in T 11N, R 3W, Section 18.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS December 14, 2011. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS December 14, 2011 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Noelle Uncles or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373 and 17.30.1024).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PROTECTION BUREAU
PO BOX 200901
HELENA MT 59620-0901

TODD EVERTS
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE
RM 171 STATE CAPITOL BUILDING
INTERAGENCY MAIL



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Dawn Stratton
Fiscal Programming Section

From: Heidi Bruner, P.E.
Engineering Services Supervisor
Environmental Services

Date: November 7, 2011

Subject: Categorical Exclusion
2003 – Signing/guardrail-Lincoln County
STPHS 27(26)
Control Number: 5858 000

Environmental Services has reviewed the proposed project and concluded that it will not involve unusual circumstances as described under 23 CFR 771.117(b). As a result, the project qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part (8) which describes installation of fencing, sign, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur. The proposed project involves signing and delineation at three locations in Lincoln County. The location just outside the city limits of Libby will replace a short section of guardrail and guardrail end sections on a small bridge over Flower Creek. This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).

copies: Shane Stack, P.E., Missoula District Administrator-acting
Roy Peterson, P.E., Traffic and Safety Engineer
Ivan Ulberg, P.E., Traffic Project Engineer
Suzy Price, P.E., Contract Plans Bureau chief
Tom Martin, P.E., Environmental Services Bureau Chief
Susan Kilcrease, Missoula Project Development Engineer
Gene Kaufman, P.E., FHWA Operations Engineer
Alyce Fisher, Fiscal Programming
Environmental Services Bureau File

e-copy: Montana Legislative Branch Environmental Quality Council



November 14, 2011

Name: MT Environmental Quality Council

RE: Russell Street/South Third Street Missoula Record of Decision

The Federal Highway Administration (FHWA) has issued a Record of Decision for the Russell Street/South Third Street - Missoula project. Attached for your information is a copy or CD with the electronic version of the document.

Thank you for your participation in this process.



Russell Street/South 3rd Street - Missoula

Record of Decision



Russell Street/South 3rd Street - Missoula

FHWA-MT-011-01-F

Record of Decision

October 2011

Decision

The Federal Highway Administration (FHWA) approves the decision to construct and operate the preferred alternatives as identified in the Final EIS for the Russell Street and S. 3rd Street Projects. FHWA selects the preferred alternatives in this Record of Decision for the reasons described herein. This decision was made after careful consideration of all identified social, economic and environmental impacts and input received from agencies, organizations, and the public.

10/31/2011
Date of Approval

Kevin L. McLaury, P.E.
Kevin L. McLaury, P.E.
Division Administrator
Federal Highway Administration, Montana Division

Russell Street/South 3rd Street - Missoula

FHWA-MT-011-01-F
STPU-M 8105(8)
UPN 4128

Record of Decision
October 2011

Decision

In accordance with Title 18, Chapter 2, Section 252, Administrative Rules of Montana (ARM 18.2.252), I hereby accept and concur with the findings and decision as documented in the U.S. Department of Transportation, Federal Highway Administration's Record of Decision for this project as approved on 10/31/2011.

11/2/11
Date of Approval

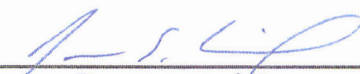

Montana Department of Transportation

TABLE OF CONTENTS

1.0 Introduction.....	1
2.0 Purpose and Need	5
3.0 Alternatives Considered.....	5
Russell Street Alternatives.....	7
South 3 rd Street Alternatives.....	9
4.0 Factors in the Decision Process.....	10
5.0 Mitigation and Measures to Minimize Harm.....	12
6.0 Section 4(f) Evaluation.....	18
7.0 Comments on the Final EIS.....	19
8.0 Conclusion	20
APPENDIX A Comments Received on Final Environmental Impact Statement	



The Montana Department of Transportation attempts to provide accommodations for any known disability that may interfere with a person participating in any service, program or activity of the Department. Alternative accessible formats of this information will be provided upon request. For further information call (406) 444-7228 or TTY (800) 335-7592.

This document may be obtained electronically from the Montana Department of Transportation website at:
www.mdt.mt.gov/pubinvolve/eis_ea.shtml

1.0 INTRODUCTION

The City of Missoula, in cooperation with the Montana Department of Transportation (MDT) and the U.S. Department of Transportation, Federal Highway Administration (FHWA) propose to reconstruct and widen portions of Russell Street and South 3rd Street to address the current and projected safety and mobility concerns. The proposed project includes the reconstruction of approximately 1.5 miles of Russell Street from the intersection at West Broadway Street south to Mount Avenue/South 14th Street, and reconstruction of approximately one mile of South 3rd Street from Reserve Street east to Russell Street. The proposed project includes vehicular capacity improvements, signalized intersections, accommodation of alternative transportation modes, transit pullouts, sidewalks, grade-separated trail crossings, curb & gutter, boulevards, bicycle lanes, and stormwater drainage.

Based on the information provided in the Russell Street / South 3rd Street Final Environmental Impact Statement and Section 4(f) Evaluation (FEIS) approved on August 4, 2011 and released for public review on August 19, 2011, the City of Missoula, MDT and FHWA have selected **Russell Street Alternative 4** and **South 3rd Street Alternative E** for implementation (Selected Alternatives).

The Selected Alternatives would provide the following specific design features: removal and replacement of the Russell Street Bridge over the Clark Fork River, bicycle lanes, sidewalks, grade separated pedestrian/bicycle crossings, curb and gutter as well as drywells/sumps to improve stormwater management, street lighting, landscaped boulevards, and bus pullouts.





Russell Street – Selected Alternative

The Selected Alternative on Russell Street (Alternative 4) consists of two southbound and two northbound travel lanes, with raised medians and center turn lanes, and the use of signal control at key intersections.

South 3rd Street – Selected Alternative

The Selected Alternative on South 3rd Street (Alternative E) includes two travel lanes (one in each direction), two way left turn lanes, signal control at select intersections, and the use of raised landscaped medians as appropriate.

Trail Connections

The Selected Alternative also includes trail connections on Russell Street at approximately the same location as the existing Bitterroot Branch Trail crossing, where the existing Milwaukee Corridor Trail connects to the east side of Russell Street, and with an extension of the Shady Grove Trail on the River Trail System. Grade-separated crossings would be provided at these locations.

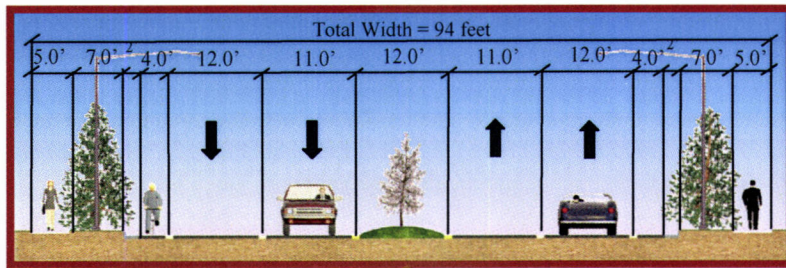
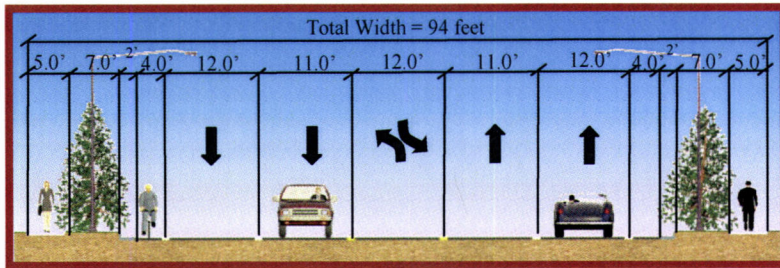
The FEIS provides a complete description of the alternatives considered, and identifies Alternative 4 on Russell Street and Alternative E on South 3rd Street as the Preferred Alternatives. Copies of the FEIS are available by request of the Montana Department of Transportation and on the MDT website at: www.mdt.mt.gov/pubinvolve/eis_ea.shtml

Specific objectives MDT and FHWA would strive to achieve with the project would include:




- Improve safety and mobility
- Improve multi-modal access and mobility
- Minimize impacts
- Maintain community character





Russell Street – Selected Alternative



Key:

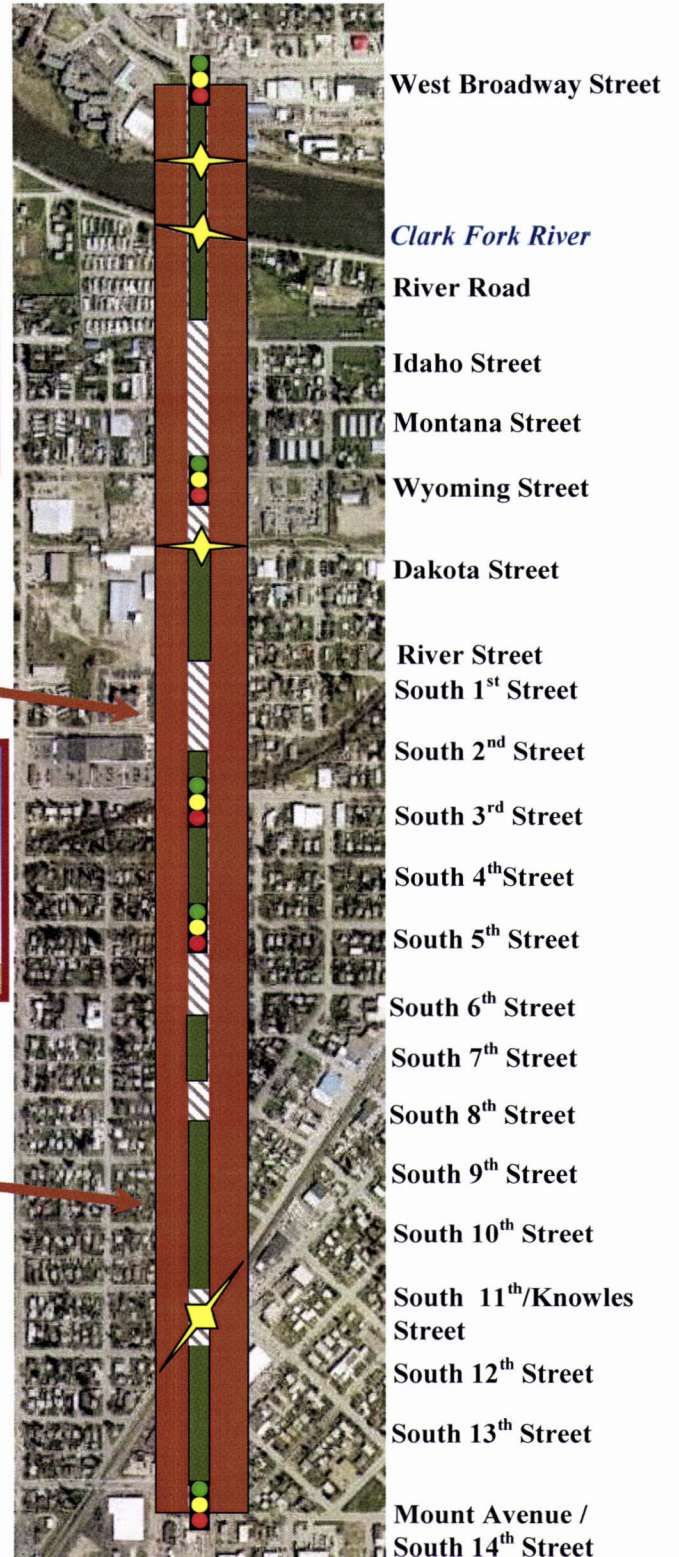
-  Four lanes with median/turn lane
-  Raised median
-  Turn lane

 Traffic signal

 Grade-separated crossing

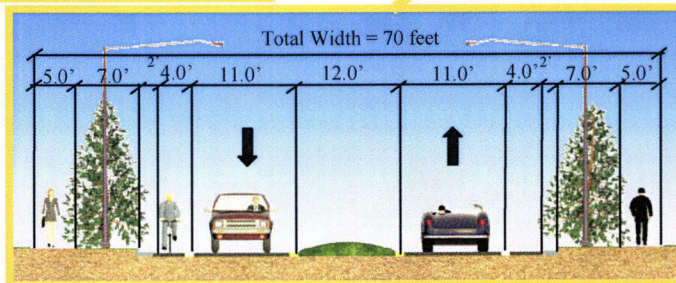
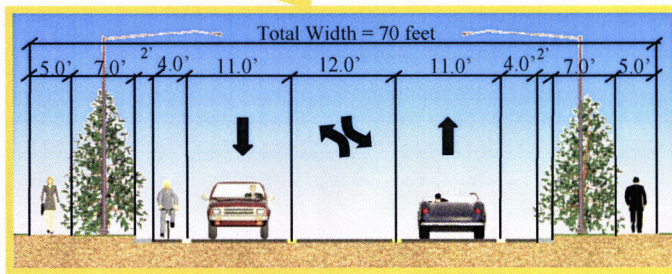
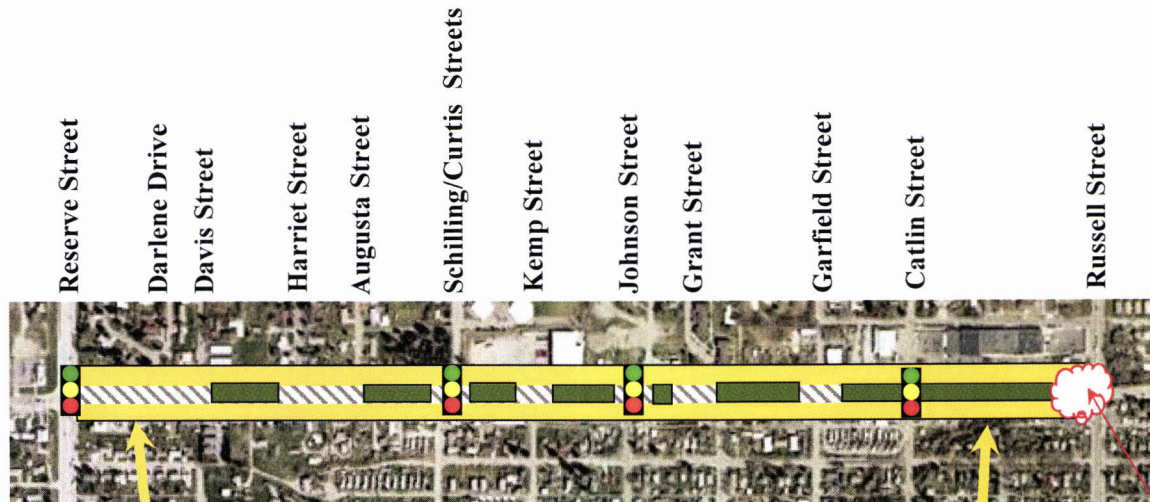
This graphic is conceptual and not intended to reflect final design details.

The locations of raised medians and center turn lanes are conceptual and subject to change during final design.









South 3rd Street – Selected Alternative



Key:

-  Two lanes with median/turn lane
-  Raised median
-  Turn lane
-  Traffic signal

This graphic is conceptual and not intended to reflect final design details.

The locations of raised medians and center turn lanes are conceptual and subject to change during final design.



2.0 PURPOSE AND NEED

Given the physical location and functional designations of the Russell Street and South 3rd Street routes, the high traffic volumes, crash history, and multi-modal use of the corridors, the purpose of this proposed project is to provide substantive safety and mobility improvements for all modes of travel in the Russell Street and South 3rd Street corridors.

In these two corridors, a lack of future system capacity and lack of sidewalk continuity are two substantive deficiencies affecting mobility for both motorized and non-motorized users and that point to a need for improvements. By addressing these two issues, additional benefits can also be gained in the following areas: vehicular, pedestrian, and bicycle safety; trail connectivity; improved transit service; and upgrades to an aging bridge structure.

3.0 ALTERNATIVES CONSIDERED

This Record of Decision is based upon the evaluation of a No Build Alternative on both Russell Street and South 3rd Street, as well as five Build Alternatives on Russell Street (Alternatives 2, 3, 4, 5, and 5-Refined) and four Build Alternatives on South 3rd Street (Alternatives B, C, D and E). Those alternatives are described in the FEIS Chapter 2, *Alternatives Analysis*, and evaluated in the FEIS Chapter 4, *Environmental Consequences and Mitigation*.

The five Build Alternatives on Russell Street vary in the number of travel lanes and intersection control (signals or roundabouts), but all include replacement of the bridge over the Clark Fork, grade-separated crossings, sidewalks, bike lanes, boulevards, curb/gutter, lighting and bus pullouts.

The four Build Alternatives on South 3rd Street vary in the number of travel lanes and intersection control (signals or roundabouts), but all include sidewalks, bike lanes, boulevards, curb/gutter, lighting and bus pullouts.

Each of the Build Alternatives is anticipated to be an improvement over the No Build Alternative. Generally, the alternatives with roundabouts did not rate as well as those alternatives proposing the use of traffic signals for automobiles, bicycles, and pedestrians at the major intersections. In general, this is because roundabouts lack protected crossings for pedestrians. Furthermore, bicycle lanes cannot extend through the roundabout and, thus, bicyclists must join automobile traffic in navigating through the roundabout. From an automobile perspective, signalized intersections provide more capacity at an intersection; exclusive bicycle and pedestrian facilities can be provided at signalized intersection and a protected phase can assist with their travel. In addition, the use of signalized intersections allows for the development of a traffic signal system where signals can be coordinated to manage traffic flow, vehicle queues, and vehicle emissions. (For more information on the traffic analysis and summary of the findings, see Appendix G of the FEIS.)



However, the alternatives with roundabouts were found to operate better in regards to vehicle safety. Roundabouts generally have a lower number of collisions and result in less severe collisions than traffic signals and stop-controlled intersections. However, roundabouts do not have protected crossings for pedestrians; bicyclists cannot travel through a roundabout in an exclusive right of way (defined bicycle lane); and roundabouts typically require a greater amount of right of way. While alternatives with roundabouts were considered for this project, traffic modeling indicated that the roundabout configurations fell well short of an ability to meet capacity needs to accommodate the year 2035 traffic volumes and resulted in greater impacts to adjacent historic properties.

In addition, the Russell St. alternatives with three lanes do not rate as well as those with five lanes along the corridor segments. This is primarily due to the fact that the three lane facility was found to result in a more congested environment during the year 2035 peak hour traffic conditions, in comparison to the five lane facility. The additional travel lanes associated with the five lane facility provide necessary additional capacity for projected congestion on other parallel roadway facilities in Missoula that cross the Clark Fork River. In addition, a roadway with only one through travel lane in each direction is generally limited to having one exclusive right turn and/or left turn lane; whereas a roadway with multiple through travel lanes can accommodate multiple travel lanes to enhance intersection capacity. (For more information on the traffic analysis and summary of the findings, see Appendix G of the FEIS.)

In addition to the build and no build alternatives described in the following section, several additional alternatives were considered in the EIS document that were not carried forward into the detailed analysis. Some of these alternatives include:

- Transportation System Management – which involves the use of Intelligent Transportation System (ITS) technologies to improve roadway efficiencies by considering the addition of auxiliary lanes; adding turn lanes at congested intersections; and optimizing signal timing. Due to the relatively limited population size of Missoula, the short length of the roadway improvement, and the diversity of commuting trips in this corridor, it was determined that a TSM strategy would not provide the necessary improvements in capacity to eliminate the need for other investments in the corridor.
- Transportation Demand Management – this alternative typically involves implementing strategies aimed at congestion reduction through the reduction of single-occupancy vehicle use. These strategies will be an important component of the city's future transportation plans, but this approach would not address the purpose and need of the project on its own.
- Four lane Russell Street – this option proposed a four lane road with no median on Russell St. This option was eventually discarded as delays would occur from vehicles attempting to make a left turns. In addition, without a median for refuge, it becomes more difficult for pedestrians to cross the roadway.



- Continuous two-way left turn lanes – this option promoted the use of a continuous two way left turn center lane. This option was eventually discarded due to the fact that raised medians provide a greater margin of safety by separating the opposing directions of traffic. The use of raised medians also allow for access management throughout a corridor and can provide nearly the same opportunities for motorists to turn left as two-way left turn lanes if the raised medians are constructed in conjunction with shorter segments of TWLTL and left turn pockets at key locations. Finally, the public expressed a strong desire to utilize raised medians with landscaping throughout the corridor for purposes of aesthetics and continuity throughout the corridor.

For additional information on additional alternatives that were considered, but eventually rejected from further analysis, see Section 2.6 of the FEIS.

Russell Street Alternatives

Alternative 1

No Build

Alternative 1 is the No Build Alternative and would provide no improvements to Russell Street or the existing Russell Street Bridge. Routine maintenance would continue in accordance with City, County, and state policies. The No Build Alternative does not meet the Purpose and Need for the project, as maintaining the existing conditions will not provide the substantive safety and mobility improvements for all modes of travel, based on current and projected future traffic volumes.

Alternative 2

2 / 2+ / 4 Lanes with Roundabouts

Alternative 2 consists of varying lane configurations of two lanes; two lanes with a raised median or turn lane; and four lanes. Alternative 2 is very similar to the existing condition in lane configuration but includes the use of roundabouts at select intersections and limited use of raised medians to control through traffic and increase the functionality of the intersections and roundabouts. Alternative 2 does not meet the Purpose and Need for the project. As proposed, Alternative 2 will experience severe congestion almost immediately following construction (assuming construction occurs within the next couple of years). Consequently, Alternative 2 does not adequately meet a desired level and duration of mobility and safety improvements, as outlined in the Purpose and Need. (For additional information on Alternative 2 and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

Alternative 3

2+/4 Lanes with Roundabouts

Alternative 3 consists of varying lane configurations of two lanes with a raised median or turn lane and four lanes. Alternative 3 is similar to Alternative 2 in terms of lane configuration and intersection control but includes twice the length of raised median as compared to Alternative 2, and adds a median between Mount Avenue to South 8th Street. Alternative 3 does not meet the Purpose and Need for the project. As proposed,



Alternative 3 will experience severe congestion almost immediately following construction (assuming construction occurs within the next couple of years). Consequently, Alternative 3 does not adequately meet the desired level and duration of mobility and safety improvements, as outlined in the Purpose and Need. (For additional information on Alternative 3 and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

Alternative 4 (Selected Alternative)

4+ Lanes with Signals

Alternative 4 consists of four lanes with either a raised median or turn lane, with signal controlled intersections. Russell Street would have four travel lanes (two southbound and two northbound) plus a center turn lane or raised median throughout the corridor. Major intersections would be controlled by signals. Alternative 4 (Selected Alternative) best meets the Purpose and Need for the project, as compared to the other Build Alternatives that meet Purpose and Need, and has the least impact and cost as compared to the other Build Alternatives analyzed on Russell Street. Alternative 4 has the longest lifespan, by a considerable timeframe in comparison to the other build alternatives, by operating within the targeted Level of Service range up to 2023 and is the least expensive of the build alternatives at \$45 million. (For additional information on Alternative 4 and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

Alternative 5

4+ Lanes with Roundabouts

Alternative 5 consists of four lanes with either a raised median or turn lane, with roundabouts at the bulk of the intersections. Alternative 5 is identical to Alternative 4 in terms of lane configuration (two southbound and two northbound, with raised medians and center turn lanes) on Russell Street. However, the major intersections would be controlled by roundabouts instead of traffic signals. The West Broadway Street intersection would remain signalized. Like Alternative 4, raised medians would be used throughout the Russell Street corridor to enhance the flow of through traffic. Alternative 5 meets the Purpose and Need for the project, but has an Adverse Effect on a greater number of historic properties as compared to other Build Alternatives on Russell Street. In addition, Alternative 5 is anticipated to reach congested levels by 2012 (assuming construction could be completed by that date). (For additional information on Alternative 5 and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

Alternative 5-Refined

4+ Lanes with Modified Roundabouts

The alignment and intersection treatments included in Alternative 5 were modified in an attempt to minimize impacts, particularly on Section 4(f) properties. Alternative 5-Refined includes a mix of signalized intersections, and smaller-diameter roundabouts than Alternative 5. Alternative 5-Refined meets the Purpose and Need for the project but has impacts to a greater number of historic properties which constitutes an impact to



Section 4(f) properties than Alternative 4. In addition, Alternative 5-R is anticipated to reach congested levels by 2012 (assuming construction could be completed by that date). (For additional information on Alternative 5-R and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

South 3rd Street Alternatives

Alternative A

No Build

Alternative A is the No Build Alternative and would provide no improvements to South 3rd Street. Routine maintenance would continue in accordance with City and State policies. The No Build Alternative does not meet Purpose and Need for the project in the sense that it will not address the present and long term need for providing substantive safety and mobility improvements for all modes of travel.

Alternative B

2 Lanes with Roundabouts

Alternative B has the same lane configuration as Alternative A (existing conditions/No Build), but includes bicycle lanes, boulevards, sidewalks, and roundabouts at select intersections. Alternative B meets the Purpose and Need for the project, but provides operational improvements for the least amount of time as compared to other alternatives examined on South 3rd Street. Traffic analysis found that the use of roundabouts on 3rd Street will result in capacity failure beginning as early as 2016, while the signalized options operate through the 2035 design year. (For additional information on Alternative B and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

Alternative C

2+ Lanes with Roundabouts

Alternative C includes two travel lanes (one in each direction), roundabouts at select intersections, and the use of raised medians through a majority of the corridor to control through traffic and increase the functionality of the intersections and roundabouts. Alternative C meets the Purpose and Need for the project, but provides operational improvements for a limited period of time, in comparison to the preferred alternative. Traffic analysis found that the use of roundabouts on 3rd Street will result in capacity failure beginning as early as 2016, while the signalized options operate through the 2035 design year. (For additional information on Alternative C and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

Alternative D

3+ Lanes with Signals

Alternative D would include one eastbound lane, but two westbound lanes due to the close proximity of the proposed traffic signals. The length of the additional lanes and tapers for the proposed signals at the Curtis Street/Schilling Street, Johnson Street and



Catlin Street intersections on South 3rd Street overlapped, thus becoming efficient to convert the overlapping tapers into a second westbound travel lane between Reserve Street and Russell Street. Alternative D meets the Purpose and Need for the project, but has greater impact with minimal gain in operational efficiency as compared to Alternative E (Selected Alternative). (For additional information on Alternative D and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

Alternative E (Selected Alternative)

2+ Lanes with Signals

Alternative E includes two travel lanes (one in each direction), the use of raised medians and center turn lanes, and signalized intersections. Alternative E (Selected Alternative) meets the Purpose and Need for the project, has the least impact, the least cost, and provides operational improvements for the greatest period of time as compared to the roundabout alternatives. Traffic analysis conducted for the proposed build alternatives found that the roundabout alternatives will fail to meet future capacity needs much earlier in comparison to the signalized intersection alternatives. The analysis found that the roundabout alternatives will fail shortly after construction in 2016, while the signalized intersection alternatives will operate at an acceptable level of service through the design year. (For additional information on Alternative E and its consideration, see Chapter 2.2 – Alternatives Analysis in the August 2011 Final Environmental Impact Statement.)

Environmentally Preferred Alternatives

Based on the analysis presented in the FEIS, Russell Street Alternative 4 and South 3rd Street Alternative E, the Selected Alternatives, are the Environmentally Preferred Alternatives since they have fewer impacts to commercial buildings and Section 4(f) properties, and provide the highest level of safety and mobility improvements when compared to other alternatives analyzed in the EIS.

Alternative 5 (refined) was rigorously explored as the locally preferred alternative due in large part to community preference for roundabout intersection control. During detailed analysis, it became apparent that Alternative 5 (even through refinement) would impose an impact on protected historic properties within the corridor that could be avoided with other alternatives. Due to unavoidable impacts to the historic properties at South 5th Street, Alternative 5 was not identified as the preferred alternative.

4.0 FACTORS IN THE DECISION PROCESS

With the exception of Alternatives 2 and 3 on Russell Street, all Build Alternatives meet the purpose of and need for the project. The No Build Alternative would not satisfy the Purpose and Need of the proposed project, as it does not address safety and operational needs for present and future capacity.



The Selected Alternatives would provide the greatest safety and mobility improvements with, predominantly, the least impact to the surrounding built and natural environment. The selection of Alternative 4 and Alternative E as the Selected Alternatives for this project is based on public input and relevant factors analyzed in the development of the FEIS and as discussed in this Record of Decision.

The No Build condition under Alternative 1 on Russell Street and Alternative A on South 3rd Street would include routine maintenance, but no reconstruction, widening or improvement in multi-modal mobility. As such, there would be no right-of-way acquisition, no physical impact to existing residential and business properties, and a relatively minor cost compared to the Build Alternatives. The primary difference in impacts and costs between the Build Alternatives is outlined below:

Russell Street:

Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 5 (refined)
<ul style="list-style-type: none"> • 9 Homes • 13 Commercial Buildings • 9 4(f) Properties • 4.34 acres new right-of-way • \$48.3 million 	<ul style="list-style-type: none"> • 9 Homes • 13 Commercial Buildings • 9 4(f) Properties • 4.87 acres new right-of-way • \$48.8 million 	<ul style="list-style-type: none"> • 11 Homes • 10 Commercial Buildings • 6 4(f) Properties • 4.59 acres new right-of-way • \$45.0 million 	<ul style="list-style-type: none"> • 18 Homes • 13 Commercial Buildings • 10 4(f) Properties • 5.65 acres new right-of-way • \$52.6 million 	<ul style="list-style-type: none"> • 10 Homes • 11 Commercial Buildings • 8 4(f) Properties • 4.38 acres new right-of-way • \$46.5 million

South 3rd Street:

Alt. B	Alt. C	Alt. D	Alt. E
<ul style="list-style-type: none"> • 1 Home • 4 Commercial Buildings • 2.38 acres of new right-of-way • \$12.2 million 	<ul style="list-style-type: none"> • 1 Home • 4 Commercial Buildings • 2.77 acres of new right-of-way • \$12.7 million 	<ul style="list-style-type: none"> • 0 Homes • 3 Commercial Buildings • 3.62 acres of new right-of-way • \$12.5 million 	<ul style="list-style-type: none"> • 0 Homes • 3 Commercial Buildings • 2.63 acres of new right-of-way • \$11.4 million

Russell Street Alternatives 4 (Selected) and 5-Refined have very similar impacts and were considered preferable over Alternatives 2, 3 and 5. Alternative 4 (Selected) impacts the least number of commercial buildings and Section 4(f) properties, and has the least cost.

As detailed in the August 2011 Final Environmental Impact Statement, Alternatives 2 and 3 do not meet the Purpose and Need for the project, based on projections of severe congestion relatively soon following construction of either alternative. Alternatives 5 and 5-R both meet Purpose and Need, but the alternatives result in greater impacts to historic properties and Section 4(f) resources and both alternatives fail to provide adequate capacity for future traffic volume demands shortly after construction – each failing well before the design year. Consequently, based on the fact that Alternative 4 best satisfies the Purpose and Need (in comparison to the other Build Alternatives that meet Purpose and Need) to provide substantive safety and mobility



improvements for all modes of travel within the corridor, has fewer Section 4(f) impacts, and less overall impact as compared to Alternative 5 and the refined Alternative 5, the four-lane roadway improvement with a center turn lane/raised median, and signalized intersections proposed under **Alternative 4 is the Selected Alternative on Russell Street.**

South 3rd Street Alternatives B, C, D and E (Selected) have very similar impacts. Alternative E (Selected) impacts the same number of residences and commercial buildings as Alternative D, but with less overall right-of-way and cost. Based on the fact that Alternative E satisfies the Purpose and Need to provide substantive safety and mobility improvements for all modes of travel within the corridor, and less overall impact and cost as compared to Alternatives B, C and D, the two-lane roadway improvement with a center turn lane/raised median, and signalized intersections proposed under **Alternative E is the Selected Alternative on South 3rd Street.**

5.0 MITIGATION & MEASURES TO MINIMIZE HARM

All practicable means to avoid and/or minimize environmental harm from the Selected Alternatives will be adopted and incorporated into project design and contract documents. General mitigation measures will compensate for direct, indirect, and cumulative impacts that might result from implementation of the Selected Alternatives. These measures are discussed in the FEIS Chapter 4, *Environmental Consequences and Mitigation*. The following subsections briefly describe the proposed mitigation measures to minimize harm and, where appropriate, proposed monitoring efforts associated with specific mitigation measures. Monitoring to ensure implementation of mitigation commitments in general is discussed in Section 8.0 of the FEIS. As the design process continues, additional specific measures for minimizing and avoiding impacts will be identified and incorporated into the project plans.

Due to annual funding limitations, the proposed project cannot be constructed as a whole. Consequently, reconstruction of Russell and South 3rd Streets is proposed to occur in phases. Construction projects will be programmed and completed as funds become available over the next several years. The mitigation measures outlined in the following section will be implemented concurrent or shortly thereafter (for example, the permanent restoration of riparian habitat cannot occur until after the Russell Street bridge is removed and replaced), as appropriate, in conjunction with the proposed phase of work.

The public has been afforded a number of opportunities to comment on proposed mitigation measures. The project team has utilized a diverse array of methods for affording the public an opportunity to comment on the project and proposed mitigation, including:

- Use of an agency and citizen advisory board. The board met on twelve occasions over the course of a two year period between 2004 and 2006 and was instrumental in developing a ranking matrix used to evaluate alternatives developed for the project.
- Public meetings. To date, eight public meetings have been conducted on the project, between 2000 and 2008.



- Resource agency coordination and consultation. Conducted as appropriate, depending on the environmental consideration.
- Door to door neighborhood canvasses. Conducted in 2006, this effort included a door to door visit with neighbors adjacent to the proposed project, as a means of updating residents and business owners on upcoming information meetings and gather feedback on the proposed action.
- Coordination with the University of Montana. A presentation was made to the U of M's Student Senate in 2007 to discuss a resolution the Student Senate passed in 2006, noting their opposition to the preliminary preferred alternative. The presentation was intended to clarify a number of misunderstandings and inaccurate information.
- Media. Numerous news releases (primarily prior to upcoming public meetings) and postcards have been sent out to the public, as a means of providing updates on the project and upcoming public involvement opportunities.
- Project website. The city maintains a webpage on the project, providing continual updates on project status.
- Newsletters. Ten electronic newsletters have been sent out, during the development of the EIS, to provide additional opportunities to keep the public informed on the project status and upcoming public involvement opportunities.

Finally, the distribution of the Draft and Final Environmental Impact Statement documents have provided the primary opportunities to inform the public on the proposed project and the environmental analysis associated with each identified alternative. Following the distribution of each document, a public comment period has been provided. With respect to the proposed mitigation associated with the preferred alternatives, the public comments received to date have primarily influenced proposed mitigation and project elements associated with bicycle and pedestrian facilities and the aesthetics of the proposed project (for example, the use of landscaped medians).

Future opportunities for continued public involvement will exist through the updating of information on the city of Missoula's project webpage.

Russell Street Mitigation

Land Use

None. No impacts requiring mitigation were identified.

Farmlands

None. No impacts requiring mitigation were identified.

Social Conditions

No impacts requiring mitigation were identified; however, the City and Montana Department of Transportation will meet with police, fire, and emergency service providers to coordinate access concerns for the construction phase.



Fair market value will be paid for properties to be acquired. Displaced residents will be relocated in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Economic Conditions

Fair market value will be paid for properties to be acquired. Displaced businesses will be compensated in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Parks and Recreation

Mitigation of the loss of green space will include additional landscaping and green space along Russell Street between Mount Avenue/South 14th Street and South 3rd Street. Trail impacts would be mitigated by providing three new grade separated crossings in the corridor.

Pedestrian and Bicycle Facilities

Bicycle and pedestrian access will be improved within the project corridor, therefore, no mitigation is necessary for the proposed project.

Air Quality

None. No impacts requiring mitigation were identified.

The contractor will be required to take reasonable precautions to control emissions of airborne particulate matter and to ensure combustion emissions comply with Administrative Rules of Montana (ARM) at ARM 17.8.304, 17.8.308, and 17.8.309.

Reasonable precautions may include some of the options outlined in various correspondence received from US EPA. The most recent correspondence, dated September 12, 2011, is included in the Appendix of this decision document. To the extent possible, reasonable precautions will be identified in the project design and included as requirements in the contract documents. However, some other reasonable precautions will need to be determined by the contractor.

Noise

No feasible or reasonable noise mitigation, as defined by FHWA regulations and MDT's current Noise Policy, was identified for existing noise receptors. To minimize traffic noise impacts at planned or proposed developments within the project area, noise-compatible land uses and/or noise mitigation measures administered by the city of Missoula can be incorporated into future development. These suggested measures do not represent mitigation commitments by FHWA or MDT and were not relied upon for this decision.

Water Quality

Direct adverse impacts and indirect adverse effects to water resources and water quality of the area will be minimized or avoided using best management practices. As the design process continues, coordination with appropriate regulatory agencies will occur. Management of surface runoff may include a dry well system which may be subject to additional requirements. The final designs will comply with provisions of the Montana



Department of Environmental Quality's impaired water body designation and total maximum daily loads for the Clark Fork River, the Missoula Valley Water Quality Ordinance for protection of the Missoula Valley Aquifer, and requirements related to the General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer Systems (MS4).

Potential adverse impacts associated with construction activities will include development of a re-vegetation plan, erosion control plan, stormwater pollution prevention plan, and coordination of water quality permits with the appropriate regulatory agencies.

Wetlands

None. No impacts requiring mitigation were identified.

Water Body and Wildlife Habitat

Mitigation in the Russell Street corridor includes raptor-proofing of power lines; preservation and restoration of riparian vegetation along the banks of the Clark Fork River, within the project area, following disturbance from the removal and replacement of the Russell Street Bridge; erosion and sediment control measures, in accordance with Federal, State, and Local requirements, will be implemented to reduce the amount and duration of sediment production, in order to minimize the introduction of sediment in to the Clark Fork River, as a result of the project; revegetation of areas disturbed by construction and tree planting, in accordance with the city's Urban Forestry policy.

Floodplains

The proposed Russell Street Bridge will increase the hydraulic opening associated with the structure. Additionally, the Shady Grove Trail undercrossing of the bridge will be designed above the 2-year flood elevation. The final design process will include hydraulic and floodplain analysis in order to ensure compliance with Federal Emergency Management Agency regulations.

Threatened and Endangered Species

To minimize potential for adverse impact to bull trout, Best Management Practices will be applied to reduce the amount of sediment entering the Clark Fork River. Formal consultation with the U.S. Fish and Wildlife Service has also concluded with a Biological Opinion for this project which outlines additional mitigation measures, including directions on the use of coffer dams, bridge removal techniques, restrictions on the use of work bridges, and a monitoring plan for bridge demolition and removal.

As part of the conditions of the Biological Opinion, monitoring efforts associated with bridge demolition and removal will be required. Monitoring efforts include ensuring no debris (to the maximum extent feasible) from the bridge removal enters the river; nor any material excavated during the construction of coffer dams enter the river.



Historic and Cultural Resources

A Historic American Building Survey will be conducted, an oral history of the Russell Street Neighborhood will be recorded, and large format photographs of the Russell Street Corridor will be taken before, during, and after construction.

Hazardous Materials

During the design and right-of-way phases of the proposed project, possible contamination sites will be investigated for the presence of hazardous materials. All buildings to be acquired within the project corridor will also be inspected for asbestos and lead contamination. A lead paint abatement plan for the Russell Street Bridge will need to be developed.

Visual Resources

Due to the overall positive impacts on visual resources, no impacts have been identified that require mitigation.

South 3rd Street Mitigation

Land Use

None. No impacts requiring mitigation were identified.

Farmlands

None. No impacts requiring mitigation were identified.

Social Conditions

No impacts requiring mitigation were identified; however, the City and Montana Department of Transportation will meet with police, fire, and emergency service providers to coordinate access concerns for the construction phase.

Fair market value will be paid for properties to be acquired. Displaced residents will be relocated in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Economic Conditions

Fair market value will be paid for properties to be acquired. Displaced businesses will be compensated in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Parks and Recreation

None. No impacts requiring mitigation were identified.

Pedestrian and Bicycle Facilities

Bicycle and pedestrian access will be improved within the project corridor, therefore, no mitigation is necessary for the proposed project.

**Air Quality**

None. No impacts requiring mitigation were identified.

The contractor will be required to take reasonable precautions to control emissions of airborne particulate matter and to ensure combustion emissions comply with Administrative Rules of Montana (ARM) at ARM 17.8.304, 17.8.308, and 17.8.309.

Reasonable precautions may include some of the options outlined in various correspondence received from US EPA. The most recent correspondence, dated September 12, 2011, is included in the Appendix of this decision document. To the extent possible, reasonable precautions will be identified in the project design and included as requirements in the contract documents. However, some other reasonable precautions will need to be determined by the contractor.

Noise

There is an opportunity for a sound barrier between Garfield and Catlin Streets. A barrier, however, will impact access to the first row of mobile homes along the south side of South 3rd Street. A final decision on the installation of the abatement measure will be made during the final design process.

Water Quality

Direct adverse impacts and indirect adverse effects to water resources and water quality of the area will be minimized or avoided using best management practices. As the design process continues, coordination with appropriate regulatory agencies will occur. Management of surface runoff may include a dry well system which may be subject to additional requirements. The final designs will comply with provisions of the Montana Department of Environmental Quality's impaired water body designation and total maximum daily loads for the Clark Fork River, the Missoula Valley Water Quality Ordinance for protection of the Missoula Valley Aquifer, and requirements related to the General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer Systems (MS4).

Potential adverse impacts associated with construction activities will include development of a re-vegetation plan, erosion control plan, stormwater pollution prevention plan, and coordination of water quality permits with the appropriate regulatory agencies.

Wetlands

None. No impacts requiring mitigation were identified.

Water Body and Wildlife Habitat

None. No impacts requiring mitigation were identified.

Floodplains

None. No impacts requiring mitigation were identified.



Threatened and Endangered Species

None. No impacts requiring mitigation were identified.

Historic and Cultural Resources

None. No impacts requiring mitigation were identified.

Hazardous Materials

During the design and right-of-way phases of the proposed project, possible contamination sites will be investigated for the presence of hazardous materials. All buildings to be acquired within the project corridor will also be inspected for asbestos and lead contamination.

Visual Resources

Due to the overall positive impacts on visual resources, no impacts have been identified that require mitigation.

6.0 SECTION 4(f) EVALUATION

Section 4(f) of the Transportation Act of 1966 (49 USC 303) declares that “[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that “[t]he Secretary [of Transportation] shall not approve any program or project (other than any project for a park road or parkway under Section 204 of this title) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless:

- 1) there is no feasible and prudent alternative to the use of such land; and
- 2) such program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Further, in 2005, Congress amended Section 4(f) as part of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users*. This amendment authorizes the Federal Highway Administration to approve a project that results in a *de minimis* impact to a Section 4(f) resource without the evaluation of avoidance alternatives typically required in a Section 4(f) Evaluation.



Through consultation with the Montana State Historic Preservation Office during the Section 106 of the National Historic Preservation Act process, it was determined that the Selected Alternatives for Russell and S. 3rd Streets will have the following effects:

- **No Adverse Effect** to the Bitterroot Branch of the Northern Pacific Railroad (24MO718). is a linear site that currently crosses Russell Street in the southerly portion of the corridor. This site would be impacted by the Alternative 4 (Selected). Based on the fact that the site would remain largely intact, and impacts would be limited to a wider at-grade railroad crossing at the same existing location, these impacts have been determined to have on the historic railroad but still constitute a Section 4(f) “use” of the resource.
- Two historic residences (**24MO811 and 24MO819**) lie in very close proximity to the existing alignment and Alternative 4 (Selected) would require removal of the structures. This permanent incorporation of the site into the transportation facility results in an **Adverse Effect** to these sites, and a Section 4(f) “use” of the resource.
- Alternative 4 (Selected) avoids impact to the residential structure in the northwest quadrant of the South 5th Street intersection with Russell Street (**24MO800**) but would require encroachments on the property resulting in a Section 4(f) “use.” The very minor encroachment results in a **No Effect** determination.

The FEIS, Appendix C provides documentation of the coordination with the State Historic Preservation Officer according to Section 106 of the National Historic Preservation Act.

Alternative 4 has an Adverse Effect on two historic properties, and a *de minimis* effect on three trail crossings, a historic railroad, and one property. Alternative 4 requires the least physical impact on historic structures and right-of-way encroachments as compared to the other Build alternatives.

Two residential properties (24MO811 and 24MO819) protected by Section 4(f) would be fully acquired under all of the Build alternatives because the new right-of-way bisects the historic structures themselves.

In addition to the historic sites noted above, the Federal Highway Administration has made a *de minimis* finding on the impacts to 24M0800, as well as three recreational trails, and the railroad currently intersected by Russell Street. Based on the analysis in the FEIS, Chapter 5 *Section 4(f) Evaluation*, Alternative 4 has the least impact on properties protected by Section 4(f), and is the Selected Alternative.

All required alternatives have been evaluated and Alternative 4 (Selected) includes all possible planning to minimize harm which will be incorporated in this proposed project. This document is submitted pursuant to 49 U.S.C. 303 and in accordance with the provisions of 16 U.S.C. 470f.



7.0 COMMENTS ON THE FINAL EIS

A Notice of Availability (NOA) of the Final EIS was published in the Federal Register on August 19, 2011. A news release announcing the availability of the Final EIS was submitted to area newspaper, television and radio news outlets. Interested party letters and postcards announcing the availability of the Final EIS were mailed to those on the project mailing list on August 18, 2011. In addition, this information was made available through the Internet on the MDT web site at: (http://www.mdt.mt.gov/pubinvolve/eis_ea.shtml)

Display ads were purchased to announce the availability of the Final EIS in the Missoula Independent. The advertisements ran on August 18, August 25 and September 15, 2011.

The Final EIS was available for a 30-day public review period beginning August 19, 2011 and ending September 20, 2011. The Final EIS was distributed for review to the federal, state and local agencies listed in the Final EIS, Chapter 8, *Distribution List*, and to members of the public at their request. The Final EIS was made available for review at the following public viewing locations:

- Missoula Public Library, 301 E Main St, Missoula
- Maureen and Mike Mansfield Library, 32 Campus Drive #9936, Missoula
- MDT Missoula District Office, 2100 W Broadway, Missoula
- MDT Helena Headquarters, 2701 Prospect Avenue, Helena
- City of Missoula Public Works Department, 435 Ryman St., Missoula

Five written comments were received from the general public and various agencies during the 30-day review period. Comments were received from:

- Mr. Tim Zalinger
- U.S. Environmental Protection Agency, Region 8 Office
- Mr. Bob Giordano, Missoula Institute of Sustainable Transportation
- Mr. Ray Vandelac
- Ms. Virginia Vincent

Appendix A of this Record of Decision contains copies of the comments received and the associated responses.



8.0 CONCLUSION

FHWA selects Alternative 4 for Russell Street and Alternative E for South Third Street because, as outlined in this Record of Decision, Alternative 4 best meets the project's purpose and need; has fewer Section 4(f) impacts, and less overall impacts, in comparison to the other alternatives. Alternative E minimizes the right of way impacts; is the least expensive in comparison to the other build alternatives; and provides improved safety, as compared to the No Build alternative. FHWA has determined that the Montana Department of Transportation and city of Missoula have incorporated all practicable means to avoid or minimize environmental harm into the selected alternatives. FHWA will ensure the commitments outlined herein and in the Final EIS will be implemented as part of the project design, construction, and post-construction monitoring.

Commitments outlined herein will be incorporated, as appropriate, in to the construction plans and specifications for this project. FHWA ensures that commitments are implemented on a project through the review of project construction plans and specifications, as well as periodic inspections during construction. Inspections generally occur during the construction of the project and may involve both a review of project construction documentation, in addition to an observation of construction activities.



PAGE INTENTIONALLY LEFT BLANK



APPENDIX A – Comments Received on Final Environmental Impact Statement

This appendix includes written comments received on the Final Environmental Impact Statement issued on August 18, 2011 and circulated for public review until September 19, 2011. Comments are presented in the order received.

Responses to these comments are included on the right side of the page.

Comment	Name	Page
1	US Environmental Protection Agency	A-3
2	Virginia M. Vincent	A-7
3	Ray Vandelac	A-8
4	Tim Zalinger	A-9
5	MIST – Bob Giordano	A-11

Appendix A - Comments Received on Final Environmental Impact Statement

PAGE INTENTIONALLY LEFT BLANK

Record Of Decision

Comment 1



U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 6, MONTANA OFFICE
FEDERAL BUILDING, 10 West 15th Street, Suite 3200
HELENA, MONTANA 59626

Ref: 8MO

September 12, 2011

Mr. Brian Hasselbach
Federal Highway Administration
585 Shepard Way
Helena, Montana 59601

and

Mr. Tom Martin
Environmental Services
Montana Department of Transportation
2701 Prospect Avenue
Helena, Montana 59620-1001

Re: Russell Street/South 3rd Street Reconstruction Final
EIS; CEQ # 20110264

Dear Mr. Hasselbach and Mr. Martin:

1-A

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Final Environmental Impact Statement (FEIS) for the Russell Street/South 3rd Street Reconstruction Project in accordance with EPA's responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321 *et seq.* and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

The Federal Highway Administration (FHWA), Montana Department of Transportation (MDT) and City of Missoula have identified Alternative 4 and Alternative E as the preferred alternatives for reconstruction of Russell Street and South 3rd Street, respectively. Alternative 4 involves construction of four lanes on Russell Street (two southbound and two northbound lanes), incorporating a raised median, center turn lane, and traffic signals at five select intersections; and including demolition of the existing two lane Russell Street bridge over the Clark Fork River, and replacing it with a new four lane bridge. Alternative E involves reconstructing the existing two lane road on South 3rd Street with raised landscaped medians, center turn lane, and traffic signals at five select intersections. Bicycle lanes and sidewalks would also be provided on both Russell Street and South 3rd Street to better accommodate bicycle and pedestrian travel.

1-A

Thank you for your continued participation in this project.



Appendix A - Comments Received on Final Environmental Impact Statement

1-B

The EPA supports the FHWA, MDT, and City of Missoula efforts to improve safety and mobility in the Russell Street and South 3rd Street corridors, particularly efforts to mitigate environmental impacts of roadway reconstruction and to increase opportunities for pedestrian and bicycle travel. We appreciate receipt of the responses to EPA comments on the draft EIS provided in Appendix H of the FEIS, particularly the additional information city and state officials have provided to EPA regarding the issue of PM-10 hot spot analysis. As noted in the FEIS, the EPA concurs that a PM-10 qualitative hot spot analysis is not required.

1-B

Thank you for your written concurrence.

1-C

The FEIS states that to minimize dust from construction activities that would contribute to ambient concentrations of particulate matter, the construction contractor will only be required to comply with Montana DOT Best Management Practices (or BMPs) and the Montana Pollutant Discharge Elimination System Construction General Permit (page 4-56). EPA requests that appropriate mitigation measures for PM, diesel emissions, and other Mobile Source Air Toxics (MSATs) be included in the Record of Decision (ROD). As noted in our October 14, 2008 comments on the DEIS (see Appendix H of the FEIS, pages H-137 through H-146), EPA stated in comment number 11 (the FEIS references this comment as "117-K"):

1-C

The project sponsors continue to believe that adherence to the adopted Best Management Practices, which will continue to evolve over time, provide the most reasonable approach to ensuring compliance with air quality standards and maintaining flexibility and cost-effectiveness in construction contracting.

"We believe the FEIS should identify the specific actions to be taken to minimize dust, and equipment emissions from construction vehicles and roadway vehicles and other activities that will disturb the soil. This will enable the public to better understand efforts to reduce dust emissions during construction. We also recommend that the FEIS describe methods that will be used to minimize tracking of soil and mud from unpaved areas during construction to avoid particulate matter pollution from the re-entrainment of dried mud and soil by vehicles passing through and near the project area."

The response to this comment in the FEIS (Appendix H, page H-145) states the following:

"The EIS references Best Management Practices, which provides more flexibility at this stage of the project development process. This project will likely be constructed in phases over several years, and the construction techniques and abatement measures may change. Identifying specific measures in the EIS limits the ability of the contractor to provide competitive bids and limits the ability to employ new techniques developed after the EIS is completed."

EPA believes that exposure to particulate matter (PM_{2.5} and PM₁₀), diesel emissions, and MSATs may occur for a period of years with this project and specific mitigation measures should be included in the ROD. These specific measures would be a starting point for mitigation of particulate matter and diesel engine/MSAT emissions and can always be augmented as new techniques are developed. Mitigation measures for air quality construction impacts should include, but are not limited to:

- Requiring heavy construction equipment to use the cleanest available engines or to be retrofitted with diesel particulate control.
- Requiring diesel retrofit of construction vehicle engines and equipment as appropriate.

Record Of Decision

- Using alternatives, as appropriate, for diesel engines and/or diesel fuels such as: biodiesel, LNG or CNG, fuel cells, and electric engines.
- For winter time construction, installing engine pre-heater devices to eliminate unnecessary idling.
- Prohibiting tampering with equipment to increase horsepower or to defeat emission control devices effectiveness.
- Requiring construction vehicle engines to properly tuned and maintained.
- Use of construction vehicles and equipment with the minimum practical engine size for the intended job.
- Using water or wetting agent to control dust.
- Using wind barriers and wind screens to prevent spreading of dust from the site.
- Having a wheel wash station and/or crushed stone apron at egress/ingress areas to prevent dirt being tracked onto public streets.
- Using vacuum-powered street sweepers to remove dirt tracked onto streets.
- Covering all dump trucks leaving sites.
- Covering or wetting temporary excavated materials.
- Using a binding agent for long-term excavated materials.
- Monitoring for PM_{10} to allow for the real-time modification or implementation of various dust control measures.
- Locating diesel engines as far away as possible from residential areas.
- Locating staging areas as far away as possible from residential uses.
- Scheduling work outside of normal hours for sensitive receptors; should be necessary only in extreme circumstances, such as construction immediately adjacent to a health care facility, church, outdoor playground, or school.
- Air quality monitoring during construction activities. Factors to be considered for monitoring would be the immediate proximity of the project to homes, schools, businesses, and other sensitive populations. Although best management practices will be utilized during construction, potential localized impacts from $PM_{2.5}$ and PM_{10} emissions could occur.

1-C

Finally, we want to indicate that we appreciate the commitment to implement water quality BMPs during road and bridge construction; capture and treat road and bridge runoff prior to discharge to the aquifer and/or the Clark Fork River; prepare an erosion control plan and obtain an MPDES Stormwater discharge permit from the Montana Dept. of Environmental Quality; and obtain 124 and 404 permits from the Montana Dept. of Fish, Wildlife & Parks and U.S. Army Corps of Engineers, respectively. It will be important that entry of concrete dust, construction debris, and lead based paint dust or flakes into the Clark Fork River be avoided during demolition of the old Russell Street bridge and reconstruction of the new bridge.

3

1-C

Thank you for working with the project team to identify appropriate Best Management Practices for storm water runoff.



Appendix A - Comments Received on Final Environmental Impact Statement

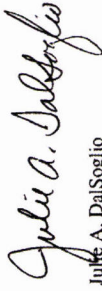
1-D

If you have questions regarding our input please feel free to call Mr. Stephen Potts of my staff in Missoula at 406-329-3313 or in Helena at 406-457-5022. Questions regarding our air quality comments should be directed to Mr. Tim Russ in Denver at 303-312-6479. Thank you for the opportunity to review and comment during the NEPA process.

1-D

Thank you for your continued interest and participation in the project.

Sincerely,



Julie A. DalSoglio
Director
Montana Office

cc: Suzanne Bohan/Judy Roos, EPA, 8EPR-N, Denver
Gregg Wood, City of Missoula Public Works, Missoula

Record Of Decision



Comment 2

307 Kern St.
Missouri, MT 59801

Aug 25, 2011

Comment on Final Environmental
Impact Statement for Russell Street (South):

Am glad to read that there will be no
roundabouts in Alternative 4 (Russell St.).
They are an abomination for all travelers.

There is no explanation of the size & shapes
of orange areas on your maps, which don't
seem to be acquired for construction of
Russell St. (So.) See pg 2-59 vol. 1.
Some are squares & some larger. They actually
cover existing Russell St. right-of-way...

I am appalled at the plan cycle.
Traffic light change: 1 min, 50 sec. at
Russell & W. Broadway (going west). No more
traffic backs up (as it does at other inter-
sections in town, also). I envision a faster
cycle would move individual vehicles faster.

As to the reason of this letter - ALT. 4
Russell St. So. seems to be the best (if we
have to have 4 lanes, etc.

Amberly
Virginia H Vincent

Comment noted.

The graphics are general in nature and are intended to
identify the parcel boundaries of those properties where
structures (homes, garages, sheds) lie within the
construction limits. These impacts are preliminary and
potentially overestimate the level of impact.

Comment noted. The intersection at Russell Street and
West Broadway Street will be improved with the proposed
project, and signal timing will be adjusted accordingly.

Thank you for your interest and participation in this project.

Appendix A - Comments Received on Final Environmental Impact Statement

Comment 3

Submitted: 09/03/2011 09:10:42

Name: Ray Vandelac

Address Line 1: PO Box 1355

City:Lolo

State/Province: MT

Postal Code: 59847

Comment or Question:

I feel option 4 and D are the ONLY overall viable options to solve this mess. I have driven these roads, probably hundreds of times, and am glad to see action FINALLY started. Russell, as a four lane road from W. Broadway to Brooks St. will not only move traffic more smoothly thru this main corridor, but MAY help remove some traffic fro Reserve St. AND will surely improve flow on W. Broadway. Anything less than 4 lanes for Russell and 3 for S. Third will only continue the problem. This is a LONG overdue project and needs to be completed, ASAP, regardless of the cost.

Thank you for your comment and participation in the project.

Record Of Decision

Comment 4

The Growth of Russell Street

I am writing in response to the proposed expansion of Russell Street from Mount Avenue to Broadway.

I am a homeowner on the Westside of Missoula. I feel the expansion of Russell Street is a hasty decision being made without real consideration of the results. I realize the traffic issue in town and certainly have experienced it on Russell Street. I have driven my car, ridden my bike and walked along Russell Street. I see have spent time at the intersections along the road from the Russell approach and that of intersecting roadways.

I have also done brief research on roadway construction in this country and others, varied approaches and results are reviewable and though there are equations that have been used it seems that individual cases require their own considerations. One constant in the vast majority of cases I came across is that more or bigger roads do not have desired results. It has been found repeatedly that the addition of new roads or expanded roads does not result in less traffic, it often means more traffic and more incidents. This is not news to those who have investigated such claims or those who are responsible for the roads. It is also not news that increased public transportation does not seem to solve the issue either, but at least it is safer, cleaner, and progressive thinking. Together with other implemented strategies it could have surprising results.

There are three miles between the Madison Street Bridge and the Reserve Street Bridge in Missoula, we currently have four bridges that cross the Clark Fork River with four lanes of traffic, that seems like a lot for a city of less than 80,000 people spread out in this beautiful valley. Obviously there are others outside the city that utilize our roadways and bridges but it still doesn't seem enough to warrant five big bridges within three miles of each other. Conversely there are only two foot bridges within the same distance. In a "progressive" city as ours it should be easier to walk or ride a bike from one point to another, we have such a lovely landscape, it should be more attractive for people to hop on their bike or set out for a stroll to work, or take the bus and enjoy the relaxing view. Four lane roads don't provide easy biking, walking, relaxation or safety. They bring speed and swift lane changes, difficult crossings and more pavement and concrete. They make bike lanes sketchy and sidewalks loud and very unpleasant. The improved bus stops will make access safer but they won't do much to improve bus times or routes, something that prevents many people from utilizing a great asset.

4-A

4-B

4-C

4-A

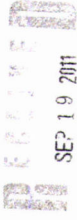
The Final Environmental Impact Statement issued for this project is the result of multiple years of planning and preliminary design including numerous opportunities for public input through workshops, information meetings, and formal public hearings. The analysis included rigorous examination by an interdisciplinary team of qualified transportation and environmental experts at the federal, state and local level, as well as specialized consultants who worked collaboratively to develop and analyze the effectiveness and impacts of the alternatives on both Russell Street and South 3rd Street.

4-B

The preliminary design is based on both regional modeling developed for the Missoula Transportation Plan Update, as well as detailed traffic analysis conducted on each specific alternative presented in the Final Environmental Impact Statement. The detailed analysis conducted on alternatives developed or modified since circulation of the Draft Environmental Impact Statement is also included in Appendix G of the Final Environmental Impact Statement.

4-C

Please refer to Chapter 1 of the Final Environmental Impact Statement for a discussion of the Purpose and Need for improvements to this principal arterial in the Missoula transportation network. As noted, this crossing of the Clark Fork is important for bicyclists, pedestrians, two transit routes, and vehicular travel along Russell Street.



SEP 19 2011

MISSOULA, MONTANA
PUBLIC WORKS DEPARTMENT

Appendix A - Comments Received on Final Environmental Impact Statement

- 4-D** In a city like Missoula we should be growing but evolving as we grow.
http://www.railstotrails.org/resources/documents/whatwedo/case_statemente.htm?Missoula%202010%20Case%20Statement+Appendices.pdf
 This 2008 case statement details this and emphasizes the importance of biking and walking in a community and how many people utilize transportation other than their own vehicle for travel everyday. The benefits are listed in great detail and future plans to expand biking and walking route are listed and discussed. The Russell Street Project feels like a step back, a step away from the focus of this three year old document. Money spent on more pavement and concrete to produce another four lane route in Missoula should be put toward the trail creation to encourage more walkers and bicyclists, toward the addition of more bus routes and stops (with a proper campaign to lure passengers), towards carpool lots and incentive programs for businesses to pass along to their employees. Incentives to carpool, walk, bike or take the bus to work every day. If people are not motivated by the financial savings, the stress reduction, the vehicle use reduction, the increased public safety and the air quality benefits let's give them an added incentive through their employer. The EPA and others outline different opportunities and potential incentives for the employers themselves:
<http://www.cleanairpartnerstx.org/resources/Carpool%20Incentive%20Programs%20-%20EPA.pdf>
http://www.commuter.org/index.php?option=com_content&view=article&id=53&Itemid=56
 Missoula is a unique city, a great place to live, work and raise children. We should learn as we grow and lead the way to change for the better. The construction of more and larger roads is an infected treatment that doesn't solve anything; it only provides an avenue for more vehicles and more dangerous conditions.
 What would be the next step when the current infrastructure proves unsuitable?
- 4-E**
- 4-F**
- 4-G**

TIM ZAUNGER

111 BULWER ST.
 MISSOULA, MT 59802

- 4-D** The proposed project includes improvements for all modes: bicyclists, pedestrians, transit, and vehicular travel. Portions of the improvements recommended in the *City of Missoula – 2010 Case Statement for Active Transportation* report referenced are included in the Preferred Alternatives.
- 4-E** Both the Long Range Transportation Plan Update and the detailed analysis conducted for this proposed project included coordination with the City of Missoula Office of Planning and Grants, Mountain Line, Missoula in Motion, and the Missoula Ravalli Transportation Management Association to ensure full consideration of transportation demand management measures such as those suggested in the comment. As noted in Section 2.6 of the Final Environmental Impact Statement, these strategies are accounted for in the regional travel demand model, and cannot independently address the purpose and need for improvements in the Russell Street and South 3rd Street corridors.
- 4-F** The detailed analysis conducted for this project indicates an improvement in both safety and mobility.
- 4-G** The improvements proposed on Russell Street and South 3rd Street will provide immediate and long-term benefits when compared to the existing conditions. Without a substantial change in travel behavior in the Missoula area, the proposed improvements will be suitable for the foreseeable future.
- Thank you for your comment and interest in the project.

Record Of Decision

Comment 5

-----Original Message-----

From: Bob Giordano [<mailto:mist@strans.org>]

Sent: Monday, September 19, 2011 10:12 AM

To: Gregg Wood

Subject: Russel FEIS comments from MIST

September 19th, 2011

Mr. Wood,

Please accept these comments from MIST on the Russell Street FEIS:

Traffic is dropping on Russell Street if we look at the last available 10 year data trend. A 3-lane Russell with single lane roundabouts would, thus, work well.

Russell St. ADT between S. 2nd St. & S. 3rd St:

2000: 24,320

2009: 21,070

(from the City of Missoula website)

Single lane roundabouts would be substantially safer than large signalized intersections, in our opinion.

Regardless of number of lanes, we think 6' or 7' bike lanes, 6' to 8' sidewalks, good accessible trails and trail connections, increased bus service and bus pull outs are all important to include in this project.

If trail undercrossings are utilized, we feel it is very important to also have at-grade crossings, for livability, accessibility and human scale purposes.

We would also like to see some non-asphalt and non-concrete alternatives be explored for the road, trail and sidewalk surfaces. We suggest looking at pine resin products, soil stabilizer products and various poly pavements for example. Clay paving stones, with nibs for interlock and permeability would be another alternative.

5-A Based largely on public comment, additional analysis of 3-lane configurations with single-lane roundabouts were analyzed between issuance of the Draft and Final Environmental Impact Statements. (Please refer to Appendix G of the Final Environmental Impact Statement for a summary). None of the analysis conducted to date suggests that a three-lane configuration with single-lane roundabouts on Russell Street can accommodate the projected demand, and may fail with existing traffic volumes.

5-B The current preliminary design includes 5.5 foot bike lanes (consistent with national standards), as well as accessible trails and trail connections. Decisions on increased transit service will be made by Mountain Line and accommodated by bus pullouts included in the proposed project.

5-C In addition to the grade-separated crossings, multiple at-grade crossings would be perpetuated along both the Russell Street and South 3rd Street corridors.

5-D The Montana Department of Transportation and Federal Highway Administration will examine the viability of these various surfacing treatments in final design.



Appendix A - Comments Received on Final Environmental Impact Statement

We strongly propose alternatives to asphalt primarily to save money in the long term yet more importantly for improved community health and reduced use of fossil fuels. While concrete pavers may be a possibility, we are concerned about the amount of energy and green house gas emissions associated with concrete.

5-E

We are also concerned that the three pages of written comments we submitted at the public hearing are no where to be found in the FEIS, only our verbal testimony. We spent considerable time immediately after the hearing putting together detailed comments.

5-F

Overall, though, we appreciate the amount of work that has gone into this project so far.

Please continue to make Russell Street the best possible street for the community.

Thanks,

-Bob Giordano,

--

Bob Giordano, Executive Director
Missoula Institute for Sustainable Transportation www.strans.org,
mist@strans.org, 406.880.6834

5-E

It was made apparent in the weeks following the Public Hearing in 2008 that no comments were received from MIST on the Draft Environmental Impact Statement. The project team attempted to work with you to capture the essence of your comments and believes opportunity has been provided to engage in the decision-making process. We regret that your apparent detailed comments were not received and appreciate your time in preparing these comments on the Final Environmental Impact Statement.

5-F

Thank you for your comment and your continued participation in this project.



File Code: 1950
November 8, 2011

Dear interested party,

This letter is to inform you that the comment period for the Montanore Project Supplemental Draft Environmental Impact Statement (DEIS) has been extended until Dec. 21, 2011. The Supplemental DEIS is a large and complex document, and the Kootenai National Forest and the Montana Department of Environmental Quality's intent is to allow more time for the public and other agencies to formulate and submit their complete and detailed comments. The comment extension will better ensure that all comments and concerns are addressed in the Final EIS.

Written comments should be submitted to either the KNF or DEQ. Comments can be submitted via postal mail or e-mail and addressed to: Lynn Hagarty, Kootenai National Forest, 31374 U.S. Highway 2, Libby MT 59923-3022, e-mail, r1_montanore@fs.fed.us; or to Kristi Ponozzo, DEQ MEPA Coordinator, PO Box 200901, Helena, MT 59620-090, e-mail, deqmontanoreEIS@mt.gov.

Sincerely,

A handwritten signature in black ink, reading "Paul Bradford".

PAUL BRADFORD
KNF Supervisor

A handwritten signature in black ink, reading "Richard H. Oppen".

RICHARD H. OPPER
Director, DEQ



NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI/RROF)

November 17, 2011

Name of Grantee: Lake County Montana
Mailing Address 106 4th Ave E
City, Montana Zip Polson MT 59860
Phone (406)883-7204

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before November 24, 2011 the above-named County will request the Montana Department of Commerce to release funds under Title I of the Housing and Community Development Act of 1974, as amended, (PL93-383) for the following project:

PROJECT, TITLE OR NAME: *The Lake County Charlo Improvement Project*

PURPOSE OR NATURE OF PROJECT: *this project will remove the eight unit Big Sky Apartment Building located on lots 7, 8 & 9 of block 23 of the town site of Charlo and replace it with a four unit apartment building. The purpose of this NSP project is to remove a blighted, abandoned apartment building and replace it with an energy efficient structure for rent to low and moderate income families in the Charlo area.*

LOCATION: 53296 1st Ave W, Charlo, Lake County, Montana.
ESTIMATED COST OF PROJECT: \$661,000

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named County. This Environmental Review Record is on file at the above address and is available for public examination or copying, upon request.

The County of Lake will undertake the project described above with Neighborhood Stabilization Program funds provided by the Montana Department of Commerce, under Title I of the Housing and Community Development Act of 1974, as amended. The County of Lake is certifying to the Department of Commerce that the County of Lake and Commissioner William D. Barron, in his or her official capacity as Chairperson of the County Commission, consent to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, the County may use the NSP funds, and the Department of Commerce will have satisfied its responsibilities under the National Environmental Policy Act of 1969 as delegated to the State of Montana through the 1981 Amendments to the Housing and Community Development Act.

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

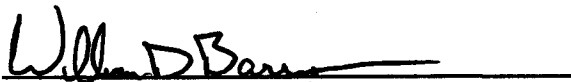
- (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce;
- (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process;

(c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DOC; or

(d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to the NSP Program, Department of Commerce, Community Development Division, P.O. Box 200523, 301 S. Park Avenue, Helena, Montana 59620.

Objections to the release of funds on bases other than those stated above will not be considered by the Department of Commerce. No objection received after December 9, 2011 will be considered by the Department of Commerce.



William D. Barron

Lake County Courthouse

106 4th Ave E

Polson MT 59860



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Dawn Stratton
Fiscal Programming Section

From: Heidy Bruner, P.E.
Engineering Services Supervisor
Environmental Services

Date: November 17, 2011

Subject: Categorical Exclusion
SF109 Chevrons, Delineators – Sanders County
HSIP STWD (104)
Control Number: 7494 000

Environmental Services has reviewed the proposed project and concluded that it will not involve unusual circumstances as described under 23 CFR 771.117(b). As a result, the project qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part (8) which describes installation of fencing, sign, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur. The proposed project would add new delineation on MT 200 from RP 85.9 – RP 87.1, and replace winding road signs and install chevrons on three curves on S-471 (Prospect Creek Road) from RP 2.7 – RP 3.0. The September 6, 2011 Project Report provides additional information and a location map. This proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, M.C.A.).

In accordance with the Federal Highway Administration's (FHWA) letter of March 29, 1999, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c).

copies: Shane Stack, P.E., Missoula District Administrator-(acting)
Roy Peterson, P.E., Traffic and Safety Engineer
Jonathan Floyd, Safety Engineering Section
Suzy Price, P.E., Contract Plans Bureau Chief
Tom Martin, P.E., Environmental Services Bureau Chief
Susan Kilcrease, Missoula Project Development Engineer
Gene Kaufman, P.E., FHWA Operations Engineer
Alyce Fisher, Fiscal Programming
Environmental Services Bureau File

e-copy: Montana Legislative Branch Environmental Quality Council

November 25, 2011

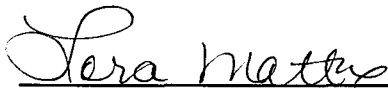
CTEP Supervisor, CTEP Section
Montana Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Subject: **Categorical Exclusion Group (c) Action Letter**

Reference: Federal-aid Project Number: STPE 1099(75)
Federal-aid Project Name: Central Avenue Sidewalks
MDT Uniform Project Number: 7543

This is a request for the Montana Department of Transportation concurrence that the proposed project study will not involve unusual circumstances as described in 23 *CFR* 771.117(b). It therefore qualifies as a Categorical Exclusion under the provisions of 23 *CFR* 771.117(c), parts 3 & 7. The proposed action also qualifies as a Categorical Exclusion under the provisions of *ARM* 18.2.261 (*MCA* Sections 75-1-103 and 75-1-201).

In accordance with FHWA's letter (3/29/99) to MDT's Environmental Services, please notify FHWA that the proposed action is being processed in accordance with 23 *CFR* 771.117(c).



Signature of Environmental Certifying Official or Chief Elected Official

Lora Mattox, Transportation Planner
Type Name and Title

Concur:

CTEP Engineer

Date

cc: Stefan Streeter, MDT, District Administrator – Billings
Tim Conway, MDT, Consultant Design Engineer
Tom Martin, MDT, Bureau Chief – Environmental Services Bureau
Nicole Pallister, MDT, Fiscal Planning Administrator
Brad Burns, MDT, Fiscal Planning
Michael Wherley, MDT, CTEP Section Supervisor
Maureen Theisen, Environmental Quality Council
Alan Woodmansey - FHWA – Helena
Lora Mattox, Yellowstone County CTEP Coordinator - Billings
Debi Meling, City Engineer - Billings
Heidi Bruner, MDT, Environmental Engineering Section Supervisor
Tom Gocksh, MDT, Environmental Engineering Section

ENVIRONMENTAL CHECKLIST

Project Name and Project Number: Central Avenue Sidewalks/STPE 1099(75)

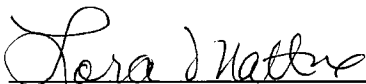
UPN: 7543

Area of Statutory-Regulatory Compliance (Provide precise citations for applicable statutes and regulations at the end of this Checklist.)		N/A	Review Required*	Permits Required*	Conditions and/or Mitigation Actions Required*	Note and Attach Documentation
1.	Historic Properties (SHPO)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Floodplain Management (County)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Wetlands Protection (COE)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Noise (DEQ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Air Quality (DEQ)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Manmade Hazards						
	Abandoned Underground Storage Tanks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Leaking Underground Storage Tanks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Possible Hazardous Waste Sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Airport Clear Zones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Water Quality (DEQ or EPA for reservation projects)						
	Surface Water/Water Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Groundwater & Aquifers ¹	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Farmlands	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Environmental Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Threatened or Endangered Species, Fish & Wildlife (USF&WS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Area of Statutory-Regulatory Compliance (Provide precise citations for applicable statutes and regulations at the end of this Checklist.)		N/A	Review Required*	Permits Required*	Conditions and/or Mitigation Actions Required*	Note and Attach Documentation
11.	Biological Resources - Habitat containing sensitive species; either nesting, foraging, or inhabiting (MDFW&P/MSL)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Is there substantial, local, regional or other controversy on environmental grounds?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	Section 4(f) – Would project change use of park, recreation area, wildlife refuge, or waterfowl refuge (23 CFR 771.135)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Section 6(f) – Would project change use of protected properties acquired or developed with Land and Water Conservation Funds administered by the Department of Fish, Wildlife and Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	List other agencies contacted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Attach evidence that required actions have been taken.						
¹ Including the Missoula Sole Source Aquifer; contact the CTEP Section for further information regarding Missoula area projects.						

Certification

I certify that the findings on the proceeding Environmental Checklist accurately reflect the status of compliance with applicable laws and regulations for the proposed transportation project.


Signature

Lora Mattox, Transportation Planner

Type Name and Title of Environmental Certifying Official

11/25/2011

Date



Brian Schweitzer, Governor
Richard H. Opper, Director

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

December 2, 2011

Cleve & Virginia Lehman Trustees, 3309 Coulson Rd, Billings, MT 59101-7433
JDW Industrial Park 2 LLC, PO Box 22745, Billings, MT 59104-2745
James Todd Hertz, 3041 Barton Dr, Billings, MT 59102
Lockwood Irrigation District, PO Box 3292, Billings, MT 59103-3292
Yellowstone County Public Works, PO Box 35024, Billings, MT 59107-5024
Tom Ellerhoff, Director Office, DEQ, Helena, MT 59620
Director Office, DNRC, Helena, MT 59620
Environmental Quality Council, Capital Complex, Helena, MT 59620
Documents Section, State Library, Capital Complex, Helena, MT 59620
Dept. of Transportation, Jim Skinner, Helena, MT 59620

Ladies and Gentlemen:

Pursuant to the Administrative Rules of Montana, 17.4.609, the following Environmental Assessment has been prepared by the Department of Environmental Quality concerning Pacific Steel & Recycling a motor vehicle wrecking facility in Billings, MT.

The purpose of the Environmental Assessment is to inform all interested governmental agencies, public groups or individuals of the proposed action and to determine whether or not the action may have a significant effect on the human environment. This Environmental Assessment will be circulated for a period of thirty **(30) days** at which time a decision will be made as to our future action.

If you wish to comment on this proposed action, please do so in writing, within the allotted time.

Sincerely,

Bruce W. Meyer
Motor Vehicle Recycling & Disposal Program
(406) 444-2835 or e-mail at brmeyer@state.mt.us
F:\CB5349\Word\Lic\PacHide&FurBillingsEA11.doc

DEPARTMENT OF ENVIRONMENTAL QUALITY
P.O. Box 200901, Helena, Montana 59620-0901
(406) 444-5300

ENVIRONMENTAL ASSESSMENT (EA)

Division/Bureau: Permitting & Compliance \ Motor Vehicle Recycling and Disposal Program

Project or Application: Pacific Steel & Recycling, MT - A proposed private auto wrecking facility.

Description of Project: Pacific Steel & Recycling located at 777 4th Ave N, in Billings, Montana, has submitted a motor vehicle wrecking facility license application to this department for review. The proposed motor vehicle wrecking facility will be situated in Yellowstone County. The legal description of the facility is in the NE ¼ of the NW ¼ Section 17, Township 1 North, Range 27E. The facility is approximately 23.5 acres in size and located on Coulson Rd east of Lockwood. The Certificate of Survey is 2009 Tract 2.

Benefits and Purpose of Proposal: Pacific Steel & Recycling is proposing to establish a motor vehicle wrecking facility east of Lockwood on Coulson Road, Lockwood, Montana. As required by the Motor Vehicle Recycling and Disposal Act, all wrecking facilities must be shielded from public view. "Public view" is defined as any point six (6) feet above the surface of the center of a public road from which the junk vehicles can be seen. By obtaining a motor vehicle wrecking facility license, Pacific Steel & Recycling would be allowed to: (1) Buy, sell, or deal in four or more vehicles per year of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially altering the form of the motor vehicle, (2) Buy or sell component parts, in whole or in part, and deal in second-hand junk vehicles, and (3) Purchase wrecked vehicles from insurance companies. Insurance companies are required by state law to sell junk vehicles only to licensed motor vehicle wrecking facilities. This business would provide a commercial source of automotive parts which would provide a cost saving to the consumer and would conserve energy and natural resources otherwise used to manufacture new parts.

Description and analysis of reasonable alternatives whenever alternatives are reasonably available and prudent to consider:

Alternative #1. Not to establish and license a facility at this location. This would limit public access to used automotive parts.

Alternative #2. To establish and license a facility at a location other than the one proposed in the license application. This would require the applicant to find and acquire by purchase or lease a different parcel of property for the proposed usage.

Alternative #3. To establish and license a facility at the proposed location.

A listing and appropriate evaluation of mitigation, stipulations and other controls enforceable by the agency or another government agency: Automotive fluids must be drained from the vehicles prior to the vehicle being placed in storage. All fluids removed from the vehicles must be captured over an impermeable surface, properly containerized, and properly stored for reuse, recycling, or proper disposal. This is a management method intended to alleviate the potential for groundwater contamination. This is a license condition enforceable by the agency.

CFCs (Freon) must not be released to the environment. This is a federally enforceable requirement and is enforced by the U.S. EPA.

Recommendation: N/A

If an EIS is needed, and if appropriate, explain the reasons for preparing the EA: N/A

If an EIS is not required, explain why the EA is an appropriate level of analysis: Based on the information submitted for review with the license application, it is the preliminary determination of the department that an Environmental Assessment (EA) will provide an adequate review for this proposal.

Other groups or agencies contacted or which may have overlapping jurisdiction: Yellowstone County Commissioners.

Individuals or groups contributing to this EA: Montana Department of Natural Resources and Conservation; United States Department of Agriculture, Natural Resource Conservation Service; Montana Historical Society, and State Historic Preservation Office.

EA prepared by Bruce W. Meyer

Date: December 2, 2011

POTENTIAL IMPACT ON PHYSICAL ENVIRONMENT

	Maj	Mod	Min	None	Unkn	Att
1. Terrestrial and Aquatic Life and Habitat			xxx			xxx
2. Water Quality, Quantity, and Distribution			xxx			xxx
3. Geology and Soil Quality, Stability and Moisture			xxx			xxx
4. Vegetation Cover, Quantity and Quality			xxx			xxx
5. Aesthetics				xxx		xxx
6. Air Quality				xxx		
7. Unique, Endangered, Fragile or Limited Environmental Resources				xxx		
8. Demands on Environmental Resources of Water, Air, and Energy				xxx		
9. Historical and Archaeological Sites				xxx		xxx

*Maj = Major; Mod = Moderate; Min = Minor; Unkn = Unknown; Att = Attached

CUMULATIVE AND SECONDARY IMPACTS: The potential impacts on the physical environment will be minimal because of the proposed management practices. Upon closure of the facility and removal of the junk vehicles the aesthetics of the site will return to their original state.

POTENTIAL IMPACT ON HUMAN ENVIRONMENT

	Maj	Mod	Min	None	Unkn	Att
1. Social Structure and Mores				xxx		
2. Cultural Uniqueness and Diversity				xxx		
3. Local and State Tax Base and Tax Revenue			xxx			xxx
4. Agricultural or Industrial Production				xxx		
5. Human Health				xxx		
6. Access to and Quality of Recreational and Wilderness Activities				xxx		
7. Quantity and Distribution of Employment			xxx			xxx
8. Distribution of Population				xxx		
9. Demands for Government Services			xxx			xxx
10. Industrial and Commercial Activities				xxx		
11. Locally Adopted Environmental Plans and Goals				xxx		xxx

*Maj = Major; Mod = Moderate; Min = Minor; Unkn = Unknown; Att = Attached

CUMULATIVE AND SECONDARY IMPACTS: The impacts will be minor for local and state tax base and tax revenue due to the size of the facility. The quantity and distribution of employment will be minor to none because of the number employed. The demands for government services will be minor to none and will be covered by county staff and state staff.

PACIFIC STEEL & RECYCLING - ENVIRONMENTAL ASSESSMENT

General Comments

The Montana Department of Environmental Quality licenses and regulates motor vehicle wrecking facilities under the authority of the Motor Vehicle Recycling & Disposal Act (75-10-501, MCA) and Administrative Rules of Montana (ARM 17.50.201).

To be eligible for licensing, a proposed wrecking facility must:

- 1) Be in compliance with all existing zoning ordinances on the date the license application is submitted to the department.
- 2) Be capable of being shielded from view of any existing public road. If the license application is approved, the applicant must construct all necessary shielding prior to the issuance of the license and commencement of operation at the facility.
- 3) Not create any adverse environmental impacts.

The department has made the preliminary determination that the applicant is in compliance with the existing zoning ordinances as of the date of the submittal of the application and can effectively shield the proposed facility from all public roads in the area. The purpose of the Environmental Assessment is to determine if the proposed motor vehicle wrecking facility can be established without posing significant adverse environmental impacts.

Potential Impacts on Physical Environment

1. Terrestrial & aquatic life habitats
4. Vegetation cover, quantity and quality

The proposed motor vehicle wrecking facility will be in Yellowstone County. This facility will be located just east of Lockwood on Coulson Rd, MT. The legal description of the facility is in NE ¼ NW ¼ of Section 17, Township 1 North, Range 27 East PMM. The certificate of survey number is 2009 tract 2. The facility is approximately 23.5 acres in size. Chain link fencing 8 feet high with slats and buildings will shield the junk vehicles from public view.

This wrecking facility is surrounded by agriculture land and two roads. This location would serve as habitat for birds and small mammals.

The establishment of a motor vehicle wrecking facility will disturb and displace a minor portion of the vegetation and wildlife habitat within the proposed location. The impacts caused by the wrecking facility should not be significant to the area's ecosystem since similar habitat surrounds the proposed site.

Water quality, quantity, and distribution

The properties in this area are on wells. The static ground water level in sections 3,4,5,6,7,8,9,10,15,16,17,18,19,20,21,22,27,28,29,30 Township 1 N, Range 27 E varies from 1050 feet to 10 feet below ground surface (BGS) with an average of static water level of 50.26 feet (BGS). The static ground water level in sections 1,12,13,24,25 ,Township 1 N, Range 26 E varies from 1050 feet to 11.5 feet (BGS) below ground surface with an average of static water level of 33.63 feet (BGS). This proposed motor vehicle wrecking yard is not expected to have any impacts on the quality, quantity, and distribution of the ground water because of the proposed Management Practices. These practices will include the removal of the automotive fluids over an impermeable pad before the junk vehicles are processed. These auto fluids will be either reused or properly recycled. The facility will install a storm water retention pond to contain any run off from the facility.

3. Geology and soil quality, stability, and moisture

The soils in the vicinity of the site are classified by the U.S. Natural Resource Conservation Service as McRae and Haverson series. These soils are well drained, 1 to 4 and 0 to 1 percent slope, and more than 60 inches to water table. Waste anti-freeze, gasoline, and lubricating oils contain petroleum distillates, heavy metals, and possibly toxic compounds. If improperly disposed of, can cause surface and groundwater degradation. The applicant proposes to properly recycle all of the above-named automotive fluids. Some residual lubricating oils and anti-freeze may drip from the vehicles stored at the facility. This residual dripping is not expected to be significant or result in heavy soil accumulations because the junk vehicles will be processed over an impermeable surface.

5. Aesthetics

The applicant plans to use an 8 foot high chain link fence with slats and buildings to shield the junk vehicles from public view. An onsite evaluation by department personnel determined the chain link fence with the slants would be adequate to meet the shielding requirements of the Motor Vehicle Recycling & Disposal Act.

"Public view" is defined as any point six (6) feet above the surface of the center of a public road from which the junk vehicles can be seen.

9. Historical and archaeological sites

The file search for this area listed the Coulson Ditch which runs through the proposed property. The proposed facility will be located so it does not interfere with the Coulson Ditch. Based on the information gathered from the State Historic Preservation Office, it was concluded that the proposed facility would have a low likelihood of impacting cultural resources in area.

Potential Impacts on Human Environment

3. Local & state tax base & tax revenue
7. Quantity and distribution of employment

The establishment of the proposed motor vehicle wrecking facility may provide a source of used motor vehicles or component parts for sale to the public. The issuance of a motor vehicle wrecking facility license will allow the applicant to: (1) Buy, sell, or deal in four or more vehicles per year of a type required to be licensed for the purpose of wrecking, dismantling, disassembling, or substantially altering the form of the motor vehicle, (2) Buy or sell component parts, in whole or in part, and deal in second-hand motor vehicle parts, and (3) Purchase wrecked vehicles from insurance companies. Insurance companies are required by state law to sell junk vehicles only to licensed motor vehicle wrecking yards.

The establishment of a motor vehicle wrecking facility may create an additional labor requirement and may result in additional employment. This employment and the employment requirements for the support services of this yard may provide a neutral to positive employment impact for the community.

9. Demands for governmental services

The issuance of a motor vehicle wrecking facility license will require administrative and inspection services of the Montana Department of Environmental Quality and the Yellowstone County Junk Vehicle Program personnel.

11. Locally adopted environmental plans and goals

The establishment of a motor vehicle wrecking facility at this location does not conflict with any existing zoning ordinances as certified by Nicole Cromwell AICP, Zoning Coordinator, Yellowstone County, Billings, MT.

Effect on Adjoining Landowners and Land Uses Other Site-Specific Information

Information gathered for the preparation of this Environmental Assessment reveals that directly adjacent to the proposed location is tracts of agricultural land, agricultural land with dwellings and two roads. The majority of the Ag properties are bare ground and few of the tracts of land contain dwellings. A small trailer park lies just east of the proposed site. The roads in the area are lightly travelled.

The location of this wrecking facility should have minor or no impact on the adjoining landowners and land uses because of the management practices that have been noted in this EA.



Montana Fish, Wildlife & Parks

DECISION NOTICE Interim Translocation of Bison

Montana Fish, Wildlife & Parks
1420 East 6th Ave., Helena MT 59601
406-444-2535

December 2011

DESCRIPTION OF PROPOSED ACTION

Montana Fish, Wildlife and Parks (FWP) proposed the interim placement of brucellosis-free bison at Marias River Wildlife Management Area, Spotted Dog Wildlife Management Area or locations within Fort Belknap and Fort Peck Reservations pending the completion of a statewide bison conservation strategy.

A) Marias River Wildlife Management Area (WMA)

The Marias River WMA is located 8 miles southwest of Shelby and 70 miles northwest of Great Falls in Pondera and Toole Counties and falls within FWP Administrative Region 4. The property consists of 8,866 contiguous acres (7,540 deeded, 492 Montana Department of Natural Resources, and 833 Bureau of Land Management) on the north and south sides of the Marias River. There are approximately 14 miles of Marias River frontage. Use of Montana Department of Natural Resources (DNRC) and Bureau of Land Management (BLM) lands within the Marias River WMA are subject to their respective permitting processes.

B) Spotted Dog Wildlife Management Area (WMA)

The Spotted Dog WMA was acquired in September 2010 with funding from the Natural Resources Damage Program (NRDP). It encompasses 27,616 acres owned by FWP and 10,261 acres of DNRC lands that are leased by FWP. The Spotted Dog property is located approximately 5 miles northeast of Deer Lodge and one mile south of Avon.

A 2,560-acre bison pasture, designed in consideration of the terms of the purchase agreement between FWP and Rock Creek Cattle Company (RCCC), is proposed to be established within the WMA. The purchase agreement specifies that RCCC has the right to graze cattle on the rest of the property until December 31, 2012. Within the enclosure, bison grazing on the 320 acres of DNRC School Trust Land would be subject to the DNRC permitting processes.

C) Fort Belknap Reservation

The Fort Belknap Indian Reservation is located in north-central Montana and covers 675,000 acres and is home to members of the Assiniboiné and Gros Ventre tribes.

Fort Belknap has an existing tribally-owned herd that grazes on approximately 22,000 acres of land in the northwestern portion of the reservation in Blaine County, locally known as Range Unit 2 (13,000 acres), Range Unit 7 (7,000 acres), and Range Unit 60 (2,000 acres). This herd numbers over 450 animals and is intensively managed to support commercial businesses (fee hunting and meat processing) and to provide bison for tribal cultural needs.

Since the Tribes commercial bison is currently using Range Units 2, 7, and 60, the Tribes have planned to enclose 800 acres on the northeastern corner of the old bison pasture to hold study bison that are translocated to the Fort Belknap Reservation. The study bison would only be held within this smaller pasture until the commercial herd is liquidated, which is expected to take three years through hunts, sales of animals to InterTribal Buffalo Council members, and culling bison for cultural needs. If a boundary fence for the 800-acre pasture is not completed in time to receive study bison, the Tribes at the Fort Peck Reservation have offered to provide temporary pasture for these bison on Range Unit 62 (see the following section regarding Fort Peck's location information) until Fort Belknap's fencing effort is completed.

While a formal agreement between FWP and Tribal leadership has not yet been reached, the Tribes would meet the yearly USDA's Animal and Plant Health Inspection Service (APHIS) testing requirements if bison were translocated there. At the end of the interim period, FWP anticipates the ability to receive a percentage of the study bison back for conservation purposes.

D) Fort Peck Reservation

The Fort Peck Reservation encompasses over 2 million acres in northeastern Montana and is home to the Assiniboiné and Sioux tribes.

The study bison would be placed at a site located approximately 41 northeast of Wolf Point in Roosevelt County and property consists of 4,800 acres and is known as Tribal Range Unit 62 in Township 30N, Range 49E, which is east of State Highway 13. Currently this range unit is not being grazed by cattle or the Tribes' commercial bison herd.

The Tribes currently manage a commercial herd of 200 bison known as the Turtle Mound Bison. This herd is kept on Range Unit 57, which is 4 miles north of Range Unit 62. These bison are used and harvested for cultural and ceremonial purposes and are available for non-member fee hunts.

The Fort Peck Tribes would be expected to meet the same testing requirements for the bison as described for the Tribes at the Fort Belknap Reservation. The agreement with the Fort Peck Tribes would also be similar to the Fort Belknap Tribes' agreement terms.

ALTERNATIVES CONSIDERED TO THE PROPOSED ACTION

No Action: Bison remain at the Slip n' Slide pastures and at the Green Ranch

A) Slip n' Slide pastures are privately owned (approx. total 70 acres). Both pastures are located just north of Corwin Springs, Montana, in Park County. FWP currently leases the pastures for the QF bison to graze on and the leases for both pastures have been renewed through July 2012.

B) The Green Ranch is a sub-ranch of the Flying D Ranch owned by Turner Enterprises, Inc. (TEI) located 20-miles west of Bozeman, Montana, in Gallatin and Madison Counties. The property consists of approximately 12,000 acres of intermountain grassland. The majority of the parcel is deeded land, with 2,577 acres leased land from the DNRC. The Green Ranch is separated from the main portion of TEI's Flying D Ranch by the Madison River.

Alternatives Considered but Eliminated from Further Consideration

A) Other FWP-owned Properties

An internal review of potential translocation sites for the interim holding of study bison included Robb-Ledford WMA, Dome Mountain WMA, Blacktail WMA, Wall Creek WMA, Gallatin WMA, and Mount Haggin WMA. With the exception of the Mount Haggin WMA, all were located within the Designated Brucellosis Surveillance Area (DSA) as set by the Montana Department of Livestock. The DSA is an area of increased surveillance (testing) and mitigation practices including vaccination, temporal and spatial separation of cattle and domestic bison from infected wildlife in an area in which brucellosis positive wildlife are known to exist. Those WMAs within the DSA were eliminated from additional analysis and further consideration because of too great a risk for a brucellosis positive elk to come into contact with a study bison rendering the Study no longer valid.

Mount Haggin WMA, south of Anaconda, was deemed unsuitable due to typically severe winter conditions that would likely result in being unable to contain the bison on the WMA.

Warm Springs WMA, south of Deer Lodge, was initially under consideration if the expansion of the WMA included an adjacent property (locally known as the Dutchman property) was completed before the end of 2011. The anticipated transfer date of the Dutchman property into FWP ownership is unknown thus this WMA was eliminated from further investigation.

B) Bob Marshall Wilderness

The Bob Marshall Wilderness was eliminated from additional investigation as an interim site for the following reasons: 1) wilderness designation prohibits facility development or installation of fencing; 2) very limited road access for monitoring bison; 3) does not allow for spatial and temporal separation from livestock due to existing grazing leases; 4) high potential for bison to migrate out of the wilderness during harsh winters; and 5) only limited areas exist within the wilderness that provide bison habitat (e.g. grasslands).

PUBLIC PROCESS AND COMMENTS

Montana Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of its proposed actions to the human and physical environments, evaluate those impacts through an interdisciplinary approach, including public input, and make a decision to proceed or not with the project.

An environmental assessment was completed on the proposed action by FWP and released for public comment September 14, 2011 through October 19, 2011. Additionally, public hearings were hosted by FWP in Deer Lodge (October 5th), Shelby (October 6th), and Glasgow (October 17th). Attendance at the meetings was 166, 111, and 154 respectively. The meetings provided an opportunity for FWP to address questions about proposed project and its alternatives and to receive public comments.

Legal notices announcing the availability of the EA were published in the *Billings Gazette*, *Bozeman Chronicle*, *Montana Standard (Butte)*, *Independent Observer (Conrad)*, *Pioneer Press (Cut Bank)*, *Silver Star Post (Deer Lodge)*, *Fort Belknap News*, *Fort Peck Journal*, *Great Falls Tribune*, *Havre News*, *Independent Record (Helena)*, *Missoulian*, *Shelby Promoter*, *The Glasgow Courier*, *The Valerian*, and *Wolf Pont Herald News*. In addition to the announcement, the EA was posted on FWP's webpage -

http://fwp.mt.gov/news/publicNotices/environmentalAssessments/speciesRemovalAndRelocation/pn_0055.html .

An announcement regarding the availability of the EA and the addendum was emailed to 1,759 individuals and organizations including neighbors to the prospective sites; local, state, and federal government offices; non-profit organizations; and other interest parties who have expressed interest in bison management in the past. Announcements were sent in the forms of an email, a hard copy, or postcard.

Two statewide press releases were also sent to to FWP distribution list of 448 in-state and out-of-state media, non-profit organizations, sportsmen's organizations, and interested parties. The first release was used to announce the availability of the EA and to solicit public comments. The second to announce that an addendum was prepared and that the public comment period was extended.

A summary of the public comments received and FWP's responses begin on page 6 of this notice.

DECISION

Based upon the Environmental Assessment (EA) and public comments that the Department received via email, regular mail, and at the public meetings, I have decided that the 68 bison at the Slip n' Slide pastures will be translocated to the tribal properties. No bison will be removed from the Green Ranch nor will any bison be placed within either of the FWP-owned Wildlife Management Areas. This decision would provide a means in which the Quarantine Feasibility Study can be completed and meet the commitments the Department has made in other Decision Notices that bison in the study may be placed on tribal lands when they became available for future conservation purposes. This decision is a fiscally responsible one and FWP will retain some oversight of these bison throughout the 5-year monitoring period.

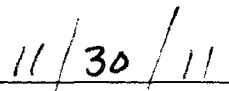
Movement of the study bison to Fort Belknap and Fort Peck would be dependent upon negotiations between FWP and each Tribe and approval of Memorandums of Understanding that will define containment requirements, management responsibilities of the study bison, and what would occur at the end of the monitoring period to the bison and progeny. Until the memorandum process is completed, the bison will remain at the Slip n' Slide pastures under the supervision and care of FWP.

The analysis of potential impacts to the human and physical environment completed in the draft EA is adequate for the translocation of study bison to tribal properties.

A few errors were found in the draft EA that do not change the scope or the analysis presented. FWP will post the updated draft EA and this Decision Notice to the Department's website. All attendees to the public meetings and those who submitted written comment will also receive a copy of the Decision Notice.



Joe Maurier, Director
Montana Fish, Wildlife & Parks



Date

Summary of Public Comments

Public participation is a mechanism for agencies to consider substantive comments on a proposal. Over 3,490 comments were received via email, regular mail, and through the public hearings of which nearly 1,000 were from residents of Montana. Comments from within Montana covered all regions of the state, representing 145 different communities. Of the email comments submitted, 83% were in the format of three different form letters from three different Montana-based organizations. All three form letters expressed different positions; one generally supported the proposed action, one supported the translocation of bison to tribal lands, and the last did not specify a position on any of the alternatives. The form letters were submitted from in-state, out-of-state, and international locations. In addition to the form letters, a petition with over 600 signatures was submitted in opposition to the translocation of bison to the Spotted Dog Wildlife Management Area.

Of the 445 unique comments, each alternative and portion of alternative had supporters and opponents. Many of the unique comments provided preferences to more than one location under consideration. Preferences based on specific locations by and large showed that the translocation of bison to FWP-owned wildlife management areas was not supported, whereas translocation to tribal lands was supported. Twenty percent of the unique comments did not specify a preference for or against any of the locations, but often these comments did pose relevant questions pertaining to the proposed action or offered opinion/comments outside the scope of this effort. Five percent of the unique comments did support the No Action alternative.

Fifty-three different organizations and government offices provided feedback on the proposed project. These ranged from non-profits with various focuses (wildlife, access, hunting, livestock, etc.) to local, state, and federal offices. Similar to the broad level of preferences the unique comments displayed toward each location under consideration, such was the case with these organizations and offices.

FWP hosted three public meetings: Deer Lodge (October 5th), Shelby (October 6th), and Glasgow (November 17th). All meetings were well attended; 166, 111, and 154 respectively. An average of 32 oral comments was submitted to FWP at each location. At the invitation of local ranchers, an impromptu meeting was also held in Chinook (November 17th) with 11 people attending.

Numerous comments were received pertaining to bison management in general and the status of the health and population of Yellowstone bison. Those comments are beyond the scope of this EA and are not addressed in the subsequent section. These include: 1) bison management near Yellowstone National Park, 2) FWP's agreement with Turner Enterprises, 3) treatment of bison in the quarantine feasibility study, 4) expand bison hunting opportunities to control excess bison, and 5) analysis of additional locations for bison restoration efforts.

The following is a synopsis of the feedback and FWP's response to relevant comments and questions based upon FWP's understanding and interpretation of existing statutes and rules.

General Overall Comments

1) What is meant by "interim"?

In the context of this project, interim means for 5 years when the monitoring period for the Quarantine Feasibility Study is completed. FWP has committed to developing a statewide conservation strategy for bison that is expected to be completed by not later than the end of 2015, by which time a decision on whether there is a place on the Montana landscape for wild bison will be made. In the mean time, FWP has bison that have completed Phase III of the on-going Quarantine Feasibility Study, and needs a place to house these disease-free bison pending completion of that plan.

2) Environmental Analysis is inadequate – A full EIS is required

The Department has determined an environmental impact statement (EIS) is not required by the proposed action of translocating study bison to Fort Belknap Reservation and Fort Peck Reservation for reasons explained in Section 4 of the EA. This environmental assessment (EA) is the appropriate level based on the significance criteria described at 12.2.432(1) (a-g) ARM (Administrative Rules of Montana) including: (a) Severity, duration, geographic extent, frequency of occurrence of the impact – Most of the anticipated impacts to resources are expected to be either negligible or neutral to the resource over the monitoring period at tribal lands. The duration and frequency of the impacts of the proposed action is limited to 5 years for the completion of the Quarantine Feasibility Study, at which point the study bison and their progeny would be placed at a permanent site based upon the guidance of a statewide bison conservation strategy.

3) Because these proposals could impact federally listed species, formal consultation with the USFWS is required

Formal consultation with the US Fish and Wildlife Service is not required because the proposed project is 1) not a federal action, 2) is not being funded by federal funds, and 3) is not taking place on lands purchased by federal funds, such as Pittman-Robertson. Furthermore, since the proposed project would not include the taking of a federally listed, no consultation is needed.

4) Need to complete a statewide bison management strategy before this interim translocation

While it would be preferable to have the statewide conservation strategy complete before any bison are moved, FWP needs a location(s) to hold bison to complete the quarantine protocol. As stated above, before bison are permanently placed anywhere in Montana where FWP has jurisdiction, such placement would be analyzed in a comprehensive environmental impact statement (EIS).

5) Proposals/EA fails to meet requirements of SB 212 – MCA 87-1-216

Senate Bill 212 was passed by the 2011 Legislature and is incorporated into 87-1-216 MCA. FWP considers the detail in this EA for each of the potential sites as meeting the management plan requirement of SB 212, and the public meetings held in Deer Lodge (Oct. 5), Shelby (Oct. 6), and Glasgow (Oct. 17) as meeting the requirement for a public meeting, so no additional management plan is necessary. Specifically, from page 18 of the draft EA: This EA includes complete descriptions of management elements for each site considered for interim translocation of bison. The management elements herein collectively represent the management plan for each site. FWP considers this EA and public review process as meeting the management plan requirements of 87-1-216(6) for each of the sites discussed herein (Spotted Dog WMA, Marias River WMA, Fort Belknap Reservation, Fort Peck Reservation).

Specific requirements of SB 212 include:

- (a) measures to comply with any applicable animal health protocol required under Title 81, under subsection (2)(b), or by the state veterinarian;*
- (b) any animal identification and tracking protocol required by the department of livestock to identify the origin and track the movement of wild buffalo or bison for the purposes of subsections (2)(b) and (5)(c);*
- (c) animal containment measures that ensure that any animal transplanted or released on private or public land will be contained in designated areas. Containment measures must include but are not limited to:
 - (i) any fencing required;*
 - (ii) contingency plans to expeditiously relocate wild buffalo or bison that enter private or public property where the presence of the animals is not authorized by the private or public owner;*
 - (iii) contingency plans to expeditiously fund and construct more effective containment measures in the event of an escape; and*
 - (iv) contingency plans to eliminate or decrease the size of designated areas, including the expeditious relocation of wild buffalo or bison if the department is unable to effectively manage or contain the wild buffalo or bison.**
- (d) a reasonable means of protecting public safety and emergency measures to be implemented if public safety may be threatened;*
- (e) a reasonable maximum carrying capacity for any proposed designated area using sound management principles, including but not limited to forage-based carrying capacity, and methods for not exceeding that carrying capacity; and*
- (f) identification of long-term, stable funding sources that would be dedicated to implementing the provisions of the management plan for each designated area.*
- (6) When developing a management plan in accordance with subsection (5), the department shall provide the opportunity for public comment and hold a public hearing in the affected county or counties. Prior to making a decision to release or transplant wild buffalo or bison onto private or public land in Montana, the department shall respond to all public comment received and publish a full record of the proceedings at any public hearing.*

(7) The department is liable for all costs incurred, including costs arising from protecting public safety, and any damage to private property that occurs as a result of the department's failure to meet the requirements of subsection (5).

6) Do Tribes have to follow requirements of SB212?

SB212 requires FWP to complete a management plan before bison are translocated in Montana. In compliance with SB212, as stated above, the details in the draft EA constitute the management plan for each of the reservation sites. While the Ft. Peck and Ft. Belknap reservations are within Montana's state boundaries, they are sovereign nations not subject to the laws of Montana, and therefore FWP can't enforce SB212 on the reservation.

7) MEPA and/or SB108 and/or translocation ARM-statute require coordination with all affected counties. This has not been done.

FWP did solicit and hear the counties' concerns, including as part of the public comment process, and the decision is intended to incorporate those concerns.

8) EA doesn't identify funding sources to implement per SB212. Don't support outside funding because then you become accountable to those funding sources.

Based on the decision to place bison only on the Tribal lands, it isn't necessary to identify funding sources for the two WMA alternatives. The Fort Belknap and Fort Peck Tribes would provide necessary funding for management of translocated bison at their respective reservations.

9) If funded using FWP dollars, need to assess impacts to other FWP programs.

See answer above. There should be no impact to other FWP programs.

10) Hunting license dollars shouldn't be used for this – no benefit to hunters. What do hunters get out of this?

Montana statute section 87-1-201 (3), Montana Code Annotated (MCA), authorizes the Montana Fish, Wildlife and Parks Commission to set the policies for the protection, preservation, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state. Within the policies established by the Commission, FWP is responsible for supervising the management and public use of all the wildlife, fish, game, furbearing animals, and game and nongame birds of the state (§ 87-1-201 (1) MCA). It is FWP's hope that this interim measure will ultimately contribute to expanded opportunities for bison, which in turn could lead to increased opportunities for hunters to assist with population management through regulated hunting.

- 11) Proposal is jeopardizing trust and relationship between FWP and landowners and FWP and sportsmen → Loss of public trust.

FWP greatly values the relationship and trust between landowners, sportsmen, and FWP, and regrets if this proposal has strained those relationships. FWP realizes that bison are a controversial species, and is committed to ensuring that any impacts to surrounding landowners resulting from this proposal are minimized. While this EA only analyzes the interim translocation of bison, demonstrating that the quarantine protocol is effective is the best next step for potentially increasing hunting opportunities for sportsmen.

- 12) Consequences of the project moving forward could be the loss of public hunting access on private lands (block management and currently free public hunting) and hunting license purchases.

As stated above, FWP greatly values the relationship and trust between landowners, sportsmen, and FWP, and is committed to ensuring that any impacts to surrounding landowners resulting from this proposal are minimized and mitigated. If bison are translocated to any of the four sites, FWP is hopeful that neighboring landowners will see that FWP is committed to minimizing impacts and won't be inclined to limit public hunting access that is currently being provided. However, all landowners have the prerogative to manage their property as they see fit, including whether or not to allow public hunting access.

- 13) Loss of hunting access will have negative economic impact on local communities (due to fewer hunters visiting those areas).

FWP agrees that hunters provide a significant economic benefit to local communities across Montana. As stated above, FWP is hopeful that neighboring landowners will see that FWP is committed to minimizing impacts and won't be inclined to limit public hunting access that is currently being provided.

- 14) Threat of spread of brucellosis from bison to cattle and negative impacts to local ranchers.

Both APHIS and DoL consider them to be brucellosis free. As such, FWP does not consider transmission of brucellosis from these bison to cattle as a risk. These bison have been tested numerous times since they were brought into the quarantine process – many more times than any domestic livestock. Most of the adults have been tested >9 times – and tested negative each time. They have been through one or more pregnancy cycles, and they and all of their offspring have repeatedly tested negative. Furthermore, these bison will be retested throughout the 5-year monitoring period.

- 15) Threat of brucellosis from bison to elk?

These bison have been tested numerous times since they were brought into the quarantine process – many more times than any domestic livestock. Most of the adults have been tested >9 times – and tested negative each time. They have been through 1 or more

pregnancy cycles, and they and all of their offspring have repeatedly tested negative. Both APHIS and DoL consider them to be brucellosis free. Similar to cows that are bought and sold, these animals are considered to be free of brucellosis, and there is nearly zero probability of brucellosis exposure to elk or livestock. Per the quarantine feasibility study protocol, the bison will be contained within an enclosure during the interim period, where they will be separated from elk and livestock. Bison will be periodically tested by APHIS during the interim period they are in the enclosure, and if any were to test positive, they would be removed. Staff will also be looking for any abortions during the high risk period (Jan – June).

16) Other diseases that bison may carry that can impact cattle

Bison have been closely monitored for several years. They have no known infectious diseases and no outwardly sick bison will be moved. The Tribes would be expected to continue to provide annual inoculations to the study bison to ensure their good health.

17) What is role of Dept of Livestock regarding these bison? (i.e., are they still considered a species in need of disease management)?

As stated above, these bison have been tested numerous times, and are considered brucellosis-free. As such, they don't meet the criteria of a species in need of disease management per 87-1-216 MCA (infected with a dangerous disease), and both APHIS and DoL consider them to be brucellosis free. Therefore they will be managed as wildlife by FWP and DoL will have no management role in the management of these bison.

Per 87-1-216, The department:

(a) is responsible for the management, including but not limited to public hunting, of wild buffalo or bison in this state that have not been exposed to or infected with a dangerous or contagious disease but may threaten persons or property;

(b) shall consult and coordinate with the department of livestock on implementation of the provisions of subsection (2)(a) to the extent necessary to ensure that wild buffalo or bison remain disease-free; and

(c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock in Montana through the transmission of contagious disease. The department may, after agreement and authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been exposed to or infected with a contagious disease, pursuant to 87-2-730. The department may, following consultation with the department of livestock, adopt rules to authorize the taking of bison where and when necessary to prevent the transmission of a contagious disease.

- 18) Concern about negative perception of cattle health by other states resulting in potential economic impact to local and statewide economic interests. Impact to cattle prices because of perception of disease.

Both APHIS and DoL consider these bison to be brucellosis free. Because they have been extensively tested to an extent much beyond typical livestock testing, there is no reason for cattle in the areas of these bison to be valued any less than if the bison weren't there.

- 19) Clarification on the legal designation of QFS bison and agency jurisdictions (FWP and DoL) – wild vs. domesticated

Bison originated from Yellowstone National Park as wild bison. They continue to be wild bison, under the jurisdiction of FWP, and will remain categorized as wildlife under any of the alternatives, although if they are translocated to a tribal reservation, they will be under the jurisdiction of the sovereign tribal government(s). If they escaped and moved off the reservation, they would be considered wildlife under jurisdiction of MFWP. While the animals may be behind a fence during the interim period, they are considered study animals, still under the jurisdiction of FWP as wildlife.

- 20) Genetic status of QFS bison – purity, inbreeding concerns

These bison originated from Yellowstone National Park, which is the largest population of genetically pure bison. Prior to July 2010, based on tests examining mtDNA and nuclear DNA, there were seven plains bison conservation herds that showed no evidence of the introgression of cattle DNA. These seven herds were YNP (Montana, Idaho, Wyoming); Grand Teton National Park (Wyoming); Henry Mountains (Utah); Sully's Hill National Game Preserve (North Dakota); Wind Cave National Park (South Dakota); Elk Island National Park (Alberta); and Mackenzie Bison Sanctuary (Northwest Territories) (Ward et al., 1999; Halbert et al., 2005; Gates et al., 2010). Only two of the herds, Wind Cave National Park and YNP could be confidently considered free of cattle DNA (Halbert et al., 2005; Gates et al., 2010). Yet, new technology, which uses DNA single nucleotide polymorphisms or 'SNPs, is changing the current base of knowledge and current understanding of the extent of cattle gene introgression in bison. This new technology can provide higher resolution, detect recent hybridization, and identify individual bison within a herd that have domestic cattle ancestry (Dratch and Gogan, 2005). DNA technological advances are displaying a greater prevalence of cattle gene introgression than previously documented. Of the seven herds mentioned above the only public herd that is currently considered free of cattle introgression is the YNP herd.

- 21) Will landowners be compensated for damage caused by escaped bison?

The Tribes may provide reasonable compensation for damages to neighboring properties – that would be at the discretion of the Tribes. If bison move off of the reservation, the Tribes will have 72 hours to round them up and move them back onto the reservation. FWP will treat these wild bison like other wildlife through a standard game damage

response, which provides for assistance to prevent further damage and in the case of chronic damage, proactive measures to protect property and stored crops. In the case of wild bison causing damage, FWP would likely use the more aggressive options to prevent damage, which include issuing kill permits to a landowner or animals being removed by FWP. FWP game damage program does not provide compensation for damage caused by wildlife.

22) Is there a source of funding identified to pay for property damage?

Funding would be from existing annual personnel and operations funding, including game damage funds if applicable.

23) Who will be responsible if bison escape?

If bison escape from a tribal facility, and move off of the reservation, Tribal officials will have 72 hours upon notification to get the bison back within reservation boundaries. If they fail to do so, FWP will remove the bison, either through trap and transport, or euthanization.

24) Can a landowner shoot an escaped bison that is on their land (to protect livestock and property)?

If bison escape Tribal facilities but are within reservation boundaries, a landowner's options are up to the discretion of the Tribes. If they move off the reservation, a landowner could not shoot escaped bison unless permitted/authorized by FWP through issuance of a kill permit, similar to how game damage is handled for other big game animals. 81-2-121 MCA allows taking of publicly owned wild buffalo or wild bison that are present on private property, but only if it is suspected of carrying disease. Because these bison have been tested numerous times and are considered free of brucellosis by the Department of Livestock, this statute should not apply to translocated bison. Specifically, 81-2-121 MCA states: (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability on a landowner or the agent of a landowner for the taking of a publicly owned wild buffalo or wild bison that is suspected of carrying disease and that is present on the landowner's private property and is potentially associating with or otherwise threatening the landowner's livestock if the landowner or agent:

(a) notifies or makes a good faith effort to notify the department in order to allow as much time as practicable for the department to first take or remove the publicly owned wild buffalo or wild bison that is present on the landowner's property;

Specific to Spotted Dog WMA

The following comments were submitted as they pertained to Spotted Dog WMA. Since the decision is to not translocate bison to this location, no responses are necessary. FWP appreciates the public's input and did consider all the following comments in making its decision.

1. Have elk been tested to ensure they don't already carry brucellosis and will spread that to these bison?
2. Fencing design is not wildlife friendly
3. Fencing design is inadequate to contain bison especially when snowdrift areas
4. Proposed fencing is illegal – not compliant with state fencing and federal enclosure laws
5. NRDP funds should not be used for bison translocation – inappropriate use of NRDP funds
6. Loss of important elk winter range
7. Loss of recreation and hunting opportunities
8. Not meeting goals/objectives of why the property was acquired
9. FWP said no bison were planned for Spotted Dog when the property was purchased
10. Fenced enclosure will force elk onto adjoining private land or USFS allotments, resulting in more impacts to neighbors.
11. Concerns about safety to utility workers and general public
12. Concerns about escaped bison reaching highway, traffic hazard
13. Status of county road that goes through proposed bison pasture not identified or analyzed
14. Not compliant with land use plan for that area within Powell County
15. FWP should not feed wildlife
16. Concern about expansion of noxious weeds from pasture to surrounding area
17. Baseline information needed to determine impacts of bison on area
18. Grazing management plan is needed
19. Concerns about overall cost to FWP for interim proposal
20. Location not in native or historic range of bison
21. Concerns regarding excess bison at the location and what would happen to excess animals
22. Establishes a game range within the WMA
23. Negative impacts to riparian areas and vegetation within the bison pasture
24. Estimated costs do not fully identify all costs with managing bison at location
25. Range of options and costs were not fully analyzed and casts uncertainty about what is specifically being proposed, and impacts of that. New cost estimate range totally invalidates EA.
26. Lower facilities costs and design plans invalidate analysis presented in EA
27. Impacts to fisheries not adequately analyzed
28. Development of water improvements would result in rangeland deterioration

Specific to Marias River WMA

The following comments were submitted as they pertained to Marias River WMA. Since the decision is to not translocate bison to this locate, no responses are necessary. FWP appreciates the public's input and did consider all the following comments in making its decision.

1. Fencing proposed would contain bison to the WMA
2. Fencing across river is not feasible
3. Not consistent with reason for purchase of property
4. Public safety concerns to people using WMA
5. Concern about bison on golf course – property damage and public safety

6. Access to the WMA via Lincoln Road is not certain
7. FWP should not feed wildlife (bison)
8. If the winter pasture fence is wildlife-friendly, how will you prevent feeding other wildlife (deer)
9. Loss of hunting opportunity because of bison presence
10. Cost to build and manage infrastructure for interim proposal too high
11. Concerns regarding excess bison at the location and what would happen to excess animals
12. Estimated costs do not fully identify all costs with managing bison at location
13. Lower facilities costs and design plans invalidate analysis presented in EA
14. Inclusion of DNRC and BLM lands not analyzed
15. Bison calves would draw more grizzly bears to the area

Comments Common to Both Tribal Locations

1. What is the legal status of escaped bison that move off of the reservation? Will FWP be responsible for bison if they escape and move off of the reservation?

Study bison on the reservation are under the jurisdiction of each Tribe. Study bison that move off the reservation would be considered wildlife, under the jurisdiction of FWP. Other bison managed by the Tribes on their reservation would be considered livestock if they move off the respective reservations. Before any bison would be translocated to tribal lands, an agreement between FWP and the Tribes would be signed, outlining roles and responsibilities of both parties, including expectations of both parties if bison were to exit the reservation. Because bison would be considered wildlife, the agreement would also include necessary authorizations for the Tribe to capture/handle/herd wildlife back to the reservation.

2. Does DoL have any jurisdiction for bison on the reservation?

Montana DOL has no legal authority on the reservation, although it is important that the Fort Belknap Tribe adhere to livestock health provisions in order to not jeopardize the economic value of livestock produced on the reservation. Because they will have completed the initial quarantine protocol, and are considered disease-free, they would no longer have dual status designation as a species in need of disease management under the Dept. of Livestock if they left the reservation (see response to #17 above under general comments).

3. How will you prevent intermingling of QFS bison with existing bison herd until that herd is depopulated?

The Tribes are aware of the importance of keeping their commercial herd and the study herds separate.

In regards to Fort Belknap's situation, they have committed to keeping the study bison contained, and to depopulate their existing herd as quickly as possible. The study bison

will be held in a smaller pasture with stout fencing until the existing herd is depopulated, minimizing the chance for comingling.

Fort Peck's commercial herd is approximately four miles north of the proposed location for the study herd. It is the expectation of FWP and the Fort Peck Tribe that each herd will be kept separate from members of the other herd.

4. How will study bison be identified?

Specific ear tags that currently identify the study bison.

5. If there is comingling of study and commercial herd bison, how does that affect the study?

The study bison will continue to be tested through 2015. If they were to test positive for brucellosis, which is extremely unlikely, any herds with which they comingled would be quarantined and tested per DoL regulations before they could enter the commercial markets.

6. What are terms of MOU between FWP and Tribe?

The specific terms are yet to be negotiated and finalized. However, topics will include expectations for continued testing, containment, response if bison escape, and provisions for some of the bison or offspring to be made available to Montana for future restoration purposes.

7. Will public be allowed to review and comment on MOU terms?

Unlikely, since the agreements will be between the Tribes and FWP.

8. MOU should be in place before bison are moved

FWP agrees, and wouldn't move any bison until there is a signed MOU in place.

9. How will FWP ensure MOU terms are followed?

As with all MOUs, there must be trust and commitment between both parties. This one should be no different than any other government to government agreement.

10. Will FWP get any bison back from the Tribe (i.e., like TEI agreement) and where would they go?

FWP anticipates including a provision in the MOU with each Tribe to allow for return of some of the bison or offspring within a limited time period for use in conservation

purposes, if needed. That need would be determined through the development of the statewide conservation plan discussed above.

11. Who will supervise required brucellosis testing?

The required brucellosis testing will be provision of the MOU between the Tribe and FWP. USDA APHIS has offered any assistance needed to complete the testing.

12. Will there be a herd health plan for these bison? Will the bison be vaccinated? What about future offspring?

That will be at the discretion of each of the Tribes, and each has publicly stated they are committed to sound management of these bison, including any necessary health concerns (see response #2 in this section).

Fort Belknap Reservation

1. How will bison be contained? Tribe has poor track record of containing their current bison. Fencing of existing bison pasture is inadequate.

At least one NGO has committed to helping the Fort Belknap Tribe to build adequate fence to securely keep bison contained. The Fort Belknap Reservation understands the sensitivity of this issue and has committed to ensuring bison remain contained, and if they did escape, to quickly round them up and herd them back onto the reservation. FWP is also committed to responding to escaped bison off the reservation if the Tribe doesn't quickly and effectively respond.

2. Bison shouldn't be moved until fencing is in place.

FWP agrees, and wouldn't move bison until there is high certainty that bison will be adequately contained.

3. Will landowners be compensated for damages caused by escaped bison that move off reservation onto private lands and what will the process be??

The Fort Belknap Tribe has said they will compensate adjoining landowners for reasonable damage claims if study bison escape and cause damage to private property. However, that will be at the discretion of the Tribes.

The process will be determined by the Fort Belknap Tribe.

4. Is there a management plan and grazing management plan for translocated bison? (Specify carrying capacity for sites)

The Fort Belknap Tribe has indicated that once their existing herd is depopulated, they would manage for approximately 450 bison on 22,000 acres on the reservation. The

Tribes plan to install a pasture fence along the boundary between the Range Unit 2 (13,000 acres) and Range Unit 70 (7,000 acres) to its south in order to establish a grazing rest-rotation program between the three range units. The Tribes would allow for the natural expansion of the study bison herd. If necessary, culling efforts would be completed by Tribal Fish & Game staff and the harvested meat would be distributed equally to tribal programs providing services to seniors and diabetics on the Reservation and for cultural and traditional ceremonies.

Natural Resources Conservation Service (NRCS) rangeland surveys were completed for all the Fort Belknap bison pastures in 2006. The local NRCS office and Tribes have actively worked together to improve rangeland health and to establish waterholes within the pastures to be an incentive for bison movements throughout the pastures.

5. Numerous costs to Blaine Co. and adjoining landowners if bison escape

FWP is aware of concerns by neighboring landowners, and has passed those on to the Fort Belknap Tribe, and stressed the need to ensure these bison are contained. The Tribes have committed to keeping bison contained, and paying for any reasonable claims for damages caused by bison.

6. Public would not be allowed to view or access bison

That would be determined by and is at the discretion of the Fort Belknap Tribes.

Fort Peck Reservation

1. Existing 5-foot fence is inadequate to contain bison

The Fort Peck Tribe has experience raising bison, and is confident that the new fence built for containment of study bison is adequate to contain them.

2. Is there a management plan and grazing management plan for translocated bison? (i.e., specify carrying capacity for sites)

The Fort Peck Tribe has indicated they will manage for approximately 150 bison in a 4,800 acre pasture. The Tribes plan to allow for the natural expansion of the study bison herd until the herd reaches the desired population of 150 animals. When that capacity has been reached the Tribes plan to cull the herd to a 70% cow 30% bull ratio. Culling efforts would be completed by Tribal Fish & Game staff and the harvested meat would be distributed equally to tribal programs providing services to seniors, diabetics, and Head Start centers on the Reservation and would be used in cultural and traditional ceremonies. There is also the potential that the harvested bison meat would be used in local school breakfast programs.

3. Will the public have access to these bison?

Because the bison will be under jurisdiction of the Fort Peck Tribe, whether or not to allow public access to study bison will be at their discretions. The Tribes' expectation is these bison would be available for viewing and visitors would be able to move within the bison pasture with permission from Tribal Fish & Game.

4. Will landowners be compensated for damages if escaped bison move off reservation onto private lands?

The Fort Peck Tribe has an insurance policy to cover damages caused by escaped bison. Compensation for property damages caused by escaping study bison (i.e., broken fencing, damaged crops, etc.) would be covered under the Tribal bison insurance policy.

5. Who will pay and what will the process be?

That will be between the Fort Peck Tribe and individual landowners.

6. Does the insurance policy cover damages caused by wild bison?

The Fort Peck Tribes maintain a general liability insurance policy that covers the animals under the Tribes care and control. This policy includes the commercial bison herd at Turtle Mound Ranch and would be extended to cover the translocated bison.

7. Can the public review the insurance policy?

That is at the discretion of the Fort Peck Tribes.

8. Is there funding identified and guaranteed to pay for damages to private off-reservation lands?

Per agreement with the Tribes and under authority granted by FWP, the Fort Peck Tribe would be expected to quickly gather up and return to the reservation any escaped bison. The Tribe's general liability insurance policy is expected to cover the cost of any damages to private property if the Tribes are at fault.



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

MASTER FILE
COPY

To: Nicole Pallister, Supervisor
Fiscal Programming Section

From: Heidy Bruner, P.E., Engineering Section Supervisor
Environmental Services Bureau

Date: December 2, 2011

Subject: Categorical Exclusion (c)
FY 2012 School Zone Speed Limit Signs
STPX STWD ()
Control Number 2131020

Environmental Services Bureau (ESB) reviewed the November 22, 2011, memorandum from Danielle Bolan, MDT Traffic Engineer. Although that memorandum references the FY 2011 fund program, subsequent phone conversations with Danielle clarified that the memorandum was intended to reference the FY 2012 program.

Upon review, ESB concluded that the proposed activity will not involve unusual circumstances as described under 23 CFR 771.117(b). The project qualifies as a Categorical Exclusion under the provisions of 23 CFR 771.117(c), part (8), which describes installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur. The proposed action also qualifies as a Categorical Exclusion under the provisions of ARM 18.2.261 (Sections 75-1-103 and 75-1-201, MCA).

In accordance with the Federal Highway Administration (FHWA) letter of March 29, 1999, please notify FHWA that the proposed action is being processed in accordance with 23 CFR 771.117(c). If you have any questions, please phone me at 406.444.7203. I will be pleased to assist you.

copies	Tom S. Martin, P.E.	MDT Environmental Services
	Roy A. Peterson, P.E.	MDT Safety Engineer
	Danielle C. Bolan, P.E.	MDT Traffic Engineer
	Doug R. Bailey	MDT Traffic
	Paul Johnson	MDT Transportation Planning
	Brian Hasselbach	FHWA
	ESB Statewide Misc. File	
	Montana Legislative Branch Environmental Quality Council (EQC)	

HB:S:\PROJECTS\STATEWIDE_MISC\CE(C)\2131020ENCEC_FY2012_SCHOOL_ZONE_SIGNS.DOC

**COMBINED NOTICE
FINDING OF NO SIGNIFICANT IMPACT and
NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS
(FONSI/NOI/RROF)**

December 08, 2011

The Town of Hot Springs
P.O. Box 669
Hot Springs, MT 59845
(406) 741-2353

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before January 02, 2012 the above-named town will request the Montana Department of Commerce (DOC) to release Community Development Block Grant (CDBG) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) for the following project:

Reconstruction of the Hot Springs Medical Clinic
CDBG Project Title or Name

Rebuild and expand the Hot Springs Medical Clinic Facility
Purpose or Nature of the CDBG Project

209 Main Street Hot Springs, MT 59845 (406) 741-2353
Location Telephone

Finding of No Significant Impact

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and accordingly the above named Town of Hot Springs, MT has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for the decision not to prepare such Statement are as follows:

The clinic is being reconstructed at its current location and expanded to vacant land adjacent to the location. An environmental assessment indicates that no significant impact is anticipated.

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the Town of Hot Springs. This Environmental Review Record is on file at the Hot Springs Town Hall and is available for public examination and copying upon request between the hours of 9:00am and 3:00pm, Monday through Thursday.

No further environmental review of such project is proposed to be conducted prior to the request for release of CDBG project funds.

Public Comments on Findings

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the Town of Hot Springs to the Hot Springs Town Hall P.O. Box 669 Hot Springs, MT 59845 on or before December 26, 2011. All such comments so received will be considered and the town will not request the release of funds or take any administrative action on the project prior to the date specified in the preceding sentence.

Release of Funds

The Town of Hot Springs will undertake the project described in this publication with CDBG funds provided by DOC under Title I of the Housing and Community Development Act of 1974, as amended. The Town of Hot Springs is certifying to the DOC that the Town of Hot Springs, Mayor Randal Woods and James A. Rexhouse in his official capacity as Environmental Certifying Officer consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, the Town of Hot Springs may use the CDBG funds and DOC will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

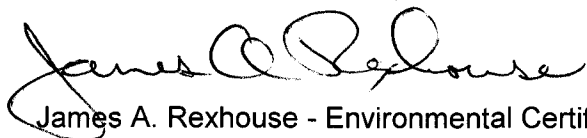
Objections to State Release of Funds

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

- (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce;
- (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process;
- (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DOC; or
- (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to: Department of Commerce, Community Development Division, 301 S. Park Avenue, P.O. Box 200523, Helena, Montana 59620.

Objections to the release of funds on bases other than those stated above will not be considered by DOC. No objection received after January 20, 2012 will be considered by DOC.



James A. Rexhouse - Environmental Certifying Officer
c/o Town of Hot Springs
P.O. Box 669
Hot Springs, MT 59845



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-11-30
December 12, 2011

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT: Decker Coal Company
P.O. Box 12
Decker, MT 59025

FACILITY NAME: Decker West Mine

FACILITY LOCATION: 12 Lakeshore Drive, 12 Lakeshore Drive, Big Horn County

RECEIVING WATER: Tongue River Reservoir

PERMIT NUMBER: MT0000892

This is a reissuance of MPDES permit MT0000892 for Decker Coal Company which discharges treated mine drainage from a surface coal mine to the Tongue River Reservoir. Treatment consists of settling ponds designed to contain the runoff from a 10-year, 24-hour precipitation event. If ponds are removed and reclaimed during the term of the reissued permit, treatment will consist of an approved Sediment Control Plan.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild

{Public Notice No.: MT-0X-0X}

{Date}

Page 2 of 2

Swan v. U.S. EPA, et al., CA 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because it is not a new permit and the permit includes effluent limits that prohibit any increases above previously-allowed authorized amounts.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS January 11, 2012. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS January 11, 2012 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Noelle Uncles or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-11-30
December 12, 2011**

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PROTECTION BUREAU
PO BOX 200901
HELENA MT 59620-0901

TODD EVERTS
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE
RM 171 STATE CAPITOL BUILDING
INTERAGENCY MAIL 0



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-11-31
December 12, 2011

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT: Decker Coal Company
P.O. Box 12
Decker, MT 59025

FACILITY NAME: Decker East Mine

FACILITY LOCATION: 12 Lakeshore Drive, 12 Lakeshore Drive, Big Horn County

RECEIVING WATER: Tongue River Reservoir

PERMIT NUMBER: MT0024210

This is a reissuance of MPDES permit MT0024210 for Decker Coal Company which discharges treated mine drainage from a surface coal mine to the Tongue River Reservoir. Treatment consists of a settling pond designed to contain the runoff from a 10-year, 24-hour precipitation event. If the pond is removed and reclaimed during the term of the reissued permit, treatment will consist of an approved Sediment Control Plan.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted

discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA, et al., CA 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because it is not a new permit and the permit includes effluent limits that prohibit any increases above previously-allowed authorized amounts.

PUBLIC COMMENT

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS January 11, 2012.** Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked **PRIOR TO CLOSE OF BUSINESS January 11, 2012** will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Noelle Uncles or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-11-31
December 12, 2011**

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PROTECTION BUREAU
PO BOX 200901
HELENA MT 59620-0901

TODD EVERTS
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE
RM 171 STATE CAPITOL BUILDING
INTERAGENCY MAIL



Montana Department of
ENVIRONMENTAL QUALITY

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Brian Schweitzer, Governor

Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-11-33

December 12, 2011

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT NAME:	Butte-Silver Bow City/County 155 W. Granite Street Butte, MT 59701
FACILITY NAME:	Butte-Silver Bow Wastewater Treatment Plant
FACILITY LOCATION:	Section 23, Township 3 North, Range 8 West Silver Bow County
RECEIVING WATER:	Silver Bow Creek
PERMIT NUMBER:	MT0022012

The Butte-Silver Bow City/County (BSB) Wastewater Treatment Plant is a complete mix-activated sludge secondary treatment system with aerobic sludge digestion and ultraviolet (UV) disinfection. The plant serves approximately 27,000 people. The draft permit maintains the previous effluent limits for 5-Day Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), oil and grease, pH, *E.coli* bacteria, and the Waste Load Allocations for total nitrogen and total phosphorus. New limits for total ammonia and specific metals are proposed. Increased influent and effluent monitoring requirements will ensure the facility is in compliance with Montana water quality standards. A permit special condition for land

application of treated wastewater is incorporated.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al., CA 97-35-M-DWM*, District of Montana, Missoula Division. The Department finds that the issuance of this proposed permit does not conflict with the order because there are no new or increased sources associated with this discharge.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS January 11, 2012. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS January 11, 2012 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Noelle Uncles or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PROTECTION BUREAU
PO BOX 200901
HELENA MT 59620-0901

TODD EVERTS
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE
RM 171 STATE CAPITOL BUILDING
INTERAGENCY MAIL



December 12, 2011

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

MASTER FILE
COPY

Subject: Statewide Pavement Preservation Project
STPS 384-2(9)31
Treasure Co Line - N
Control Number: 7538 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provision will be included in this project:

- PROTECTION OF AQUATIC RESOURCES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provision listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
Suzy Price	Contract Plans Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):

Montana Legislative Branch Environmental Quality Council (EQC)
Environmental Services File

HSB:tgg:S:\PROJECTS\BILLINGS\7000-7999\7538\7538ENPPCSPFHW01.DOC

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS

(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

UPN: 75380000 ID: STPS 384-2(9)31 Project Name: Treasure Co Line-N
Reference Post (Station) 31.45 to Reference Post (Station) 40.49
Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001
Type of Proposed Pavement Preservation Activity: Mill and Overlay

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)			
Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Unknown <i>Greater Sage Grouse</i>
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Unknown <i>No effect due to limited scope of work.</i>
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See http://deg.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deg/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deg.mt.gov/AirQuality/Planning/AirNonattainment.mcp) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L. Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Rod Nelson
Applicant

Project Design Engineer

12/1/2011

Approved by:

Environmental Services

ENVIRONMENTAL ENGINEERING
SECTION SUPERVISOR

Title

12/12/11
Click here to enter a date.

Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.



December 12, 2011

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

MASTER FILE
COPY

Subject: Statewide Pavement Preservation Project
NH 16-1(51)12
North of Billings - N
Control Number: 7593 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provision will be included in this project:

- PROTECTION OF AQUATIC RESOURCES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provision listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
Suzu Price	Contract Plans Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):

- ✓ Montana Legislative Branch Environmental Quality Council (EQC)
- Environmental Services File

HSB:tgg:S:\PROJECTS\BILLINGS\7000-7999\7593\7593ENPPCSPFHW01.doc

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS

(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

UPN: 75930000 ID: NH 16-1(51)12 Project Name: North of Billings-N

Reference Post (Station) 11.85 to Reference Post (Station) 23.27

Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Mill and Overlay

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)

Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Unknown Greater Sage Grouse
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Unknown No effect due to Limited Sage
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See http://deg.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deg/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deg.mt.gov/AirQuality/Planning/AirNonattainment.mcp) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L. Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Rod Nelson

Project Design Engineer

12/1/2011

Applicant

Title

Date

Approved by:

ENVIRONMENTAL ENGINEER
SECTION SUPERVISOR

Click here to enter a date.

Environmental Services

Title

Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.

Dear Interested Citizen:

December 2011

Montana Fish, Wildlife & Parks (FWP) and Montana Department of Livestock invite the public to comment on the Draft Environmental Assessment (EA) on the evaluation of adaptive management adjustments to the Interagency Bison Management Plan. The proposed adjustments include expanding the bison tolerance area north of Gardiner MT and to use the bison quarantine facility at Corwin Springs MT to hold tested Yellowstone bison during the winter until they are released back into Yellowstone National Park in the spring.

Copies of the EA can be obtained at the FWP regional headquarters in Bozeman and FWP's headquarters in Helena or by viewing FWP's Internet website at <http://fwp.mt.gov> (click on "Public Notices").

Public comments will be accepted by FWP until 5pm on January 13, 2012. Comments can be submitted via regular mail to FWP Attn: IBMP Adjustments, 1400 S 19th Ave., Bozeman MT 59718, or emailed to IBMPadjustments@mt.gov.



Brian Schweitzer, Governor
Richard H. Opper, Director

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

December 21, 2011

Interested Party List

RE: Draft Checklist EA for Shumaker Trucking & Excavating Contractors, Inc., for an Operating Permit

Dear Reader:

Enclosed for your review and comment is the Draft Checklist Environmental Assessment (CEA) for an operating permit requested by Shumaker Trucking & Excavating Contractors, Inc., (Shumaker) located at PO Box 1279, Great Falls, MT, 59403. Shumaker filed an application for an Operating Permit on June 3, 2011 from the Montana Department of Environmental Quality (DEQ), Environmental Management Bureau in Helena. The application was later revised on October 17, 2011.

Shumaker has proposed expanding a quarry and rock crushing operation currently covered under a Small Miner Exclusion Statement (SMES). This proposed expansion would exceed the acreage allowed under an SMES, and therefore an Operating Permit must be obtained. The crushed rock would be used for aggregate and riprap. The quarry would be excavated using heavy equipment such as excavators, loaders, and dozers, as well as screening equipment. An asphalt plant may be used. Blasting would be required several times per year. A highwall would be left, but would not be visible from Birdtail Creek Road.

The site is about 5 miles south of Fort Shaw, Mt. in Section 35, Township 20 North, Range 2 West in Cascade County. Existing roads would be used to access the proposed quarry site. Increased truck traffic from what currently exists is not expected. The site would consist of a total of about 35.6 acres. The operating permit would allow the quarry to continue to be worked, with total disturbance, including what has already been disturbed, of about 16 acres over the next five years. Mining, screening, or crushing operations would normally take place during daylight hours from 6 AM to 7 PM Monday through Saturday.

The proposed operation has been reviewed for compliance under a Supplemental Programmatic Environmental Assessment (SPEA) for a General Quarry Operating Permit published by the DEQ in February 2004. DEQ has determined that this operation does not meet the requirements listed in the SPEA since there would be more than five acres unreclaimed at any one time. An operating permit may be issued once the application is

develops additional lease agreements on other sites in the future, they would have to apply for an amendment or revision to the operating permit.

Shumaker must obtain an operating permit as the site cannot stay under the five acre disturbed and unreclaimed limit required under the SMES. The operating plan calls for reclamation of all surface disturbances with a post-mining land use of livestock grazing, however, a rock face will remain.

On June 3, 2011 and later revised on October 17, 2011, the Department of Environmental Quality (DEQ) received an application for an operating permit from Shumaker.

Shumaker proposes to operate a shonkonite quarry on Shaw Butte. The proposed quarry is approximately 5 miles south of Fort Shaw, Montana, on property owned by the Cascade Hutterite Colony. Shonkonite is a dark igneous rock with blocky crystals of glossy black augite frequently used for road, railroad and construction projects. The quarry would be permitted under the Metal Mine Reclamation Act, Title 82, chapter 4, part 3, Montana Code Annotated (MMRA).

The site has had quarry activity starting prior to 1960. For the last 18 years, Shumaker has conducted quarry activities at the site under a SMES. Shumaker is applying for an operating permit because the proposed operation exceeds the five-acre disturbance limit for a SMES.

On November 14, 2011, DEQ determined that Shumaker's application was complete and compliant. When an application is complete and compliant, DEQ is required under Section 82-4-337(d), MCA, to detail in writing the substantive requirements of the MMRA and how the application complies with those requirements. This document sets forth DEQ's determination that Shumaker's application complies with the substantive requirements of the MMRA. It should be noted that the compliance determination required under Section 82-4-337(d), MCA, is made in conjunction with issuance of a draft permit prior to the environmental review of the proposed mining operation under the Montana Environmental Policy Act, Title 75, chapter 1, Montana Code Annotated (MEPA). Thus, DEQ's compliance determination is made based on DEQ's analysis of the information set forth in Shumaker's application. DEQ may add stipulations to the final permit pursuant to Section 82-4-337(2)(b), MCA, with Shumaker's consent or if the environmental review conducted under MEPA demonstrates that the stipulations are necessary to comply with the substantive requirements of the MMRA.

A. Section 82-4-335(2)(a), MCA

Under Section 82-4-335(2)(a), MCA, a person who engages in the mining of rock products may obtain an operating permit for multiple sites if each of the multiple sites does not:

- (a) operate within 100 feet of surface water or in ground water or impact any wetland, surface water, or ground water;
- (b) have any water impounding structures other than for storm water control;
- (c) have the potential to produce acid, toxic, or otherwise pollutive solutions;

- (d) adversely impact a member of or the critical habitat of a member of a wildlife species that is listed as threatened or endangered under the Endangered Species Act of 1973; or
- (e) impact significant historic or archaeological features.

In regard to subsection (a), Shumaker's application indicates the proposed mining operation would be located in an ephemeral drainage that has been previously quarried. No surface water is located within 1,000 feet of the proposed operation (Application, p. 2) and the operation would not intercept groundwater (Application, p. 2). In addition, there are no wetlands in the proposed permitted disturbance area (Application, p. 2). Based on information contained in the application, DEQ does not believe that any wetland, surface water, or ground water would be impacted.

In regard to subsection (b), the only water impounding structures described in Shumaker's application are soil berms used to collect storm water and sediment and to prevent storm water discharge from the facility (Application, p. 2). This is a water impounding structure allowed under subsection (b).

The proposed quarry complies with subsection (c). Shumaker's application indicates that shonkonite is non-acid producing and has no potential for containing asbestiform minerals (Application, p. 4).

The proposed quarry complies with subsection (d). A printout from the Montana Natural Heritage Program that is attached to Shumaker's application indicates that there are no threatened and endangered species located in the township and range within which the proposed operation is located.

The proposed quarry complies with subsection (e). A report issued by the State Historic Preservation Office is attached to Shumaker's application. The records of the State Historic Preservation Office indicate that there are no previously recorded cultural sites in the area of the proposed quarry operation. Shumaker's application further indicates that it will provide appropriate protection for identified cultural resources that could be affected by the quarry operation and to notify the State Historical Preservation Office and DEQ should cultural resources be found (Application, p. 10.)

Because Shumaker's proposed quarry complies with the criteria set forth in Section 82-4-335(2)(a), MCA, Shumaker would be allowed to include the proposed quarry operation in an operating permit for multiple sites if the other sites also comply with the criteria. While Shumaker's permit application is for a single quarry, it may amend the permit to cover additional rock product mining operations as authorized under Section 82-4-335(2)(a), MCA.

B. Section 82-4-335(6), MCA

Section 82-4-336(1), MCA, provides that lands disturbed by mining must be reclaimed consistent with the requirements and standards set forth in Section 82-4-336, MCA, taking into consideration the site-specific conditions and circumstances, including the postmining use of the mine site. The requirements and standards are set forth below.

1. Section 82-4-336(2), MCA.

Section 82-4-336(2), MCA, requires the reclamation plan to provide that reclamation activities, particularly those relating to the control of erosion, be conducted simultaneously with the operation and in any case must be initiated promptly after completion or abandonment of the operation on those portions of the complex that will not be subject to further disturbance.

The reclamation plan set forth in Shumaker's application satisfies this requirement. It provides that Shumaker will complete reclamation on an area no longer needed for quarry operations within two years after such operations. Final reclamation will be completed upon quarry completion. The reclamation plan assumes that the quarry has a potential life of 50 years or more (Application, p. 10). In addition, the application indicates that Shumaker will keep the open, unreclaimed area to a minimum but still suitable for operations (Application, p. 9).

2. Section 82-4-336(3), MCA.

Section 82-4-336(4), MCA, requires the reclamation plan to provide that reclamation activities be completed not more than two years after completion or abandonment of the operation on that portion of the complex unless DEQ provides a longer period. The reclamation plan set forth in Shumaker's application satisfies this requirement. See discussion of Section 82-4-336(2), MCA.

3. Section 82-4-336(4), MCA.

Section 82-4-336(4), MCA, requires the reclamation plan to provide that the operator may not depart from an approved plan without previously obtaining from DEQ written approval for the proposed change in the absence of emergency or suddenly threatening or existing catastrophe. The reclamation plan set forth in Shumaker's application satisfies this requirement. It affirms that the plan will be followed unless officially amended by DEQ.

4. Section 82-4-336(5), MCA.

Section 82-4-335(5), MCA, requires the reclamation plan to avoid accumulation of stagnant water in the development area to the extent that it serves as a host or breeding ground for mosquitoes or other disease-bearing or noxious insect life. The reclamation plan set forth in Shumaker's application satisfies this requirement. The only accumulation of water would be associated with the soil berms created to prevent storm water discharge (Application, p. 2.). Any storm water collected by the soil berms should be of short duration and not serve as a host or breeding ground for insects. The proposed operation does not include the creation of any ponds (Application, p. 11.)

5. Section 82-4-336(6), MCA.

Section 82-4-336(7), MCA, requires the reclamation plan to require all final grading to be made with nonnoxious, nonflammable, noncombustible solids unless DEQ grants approval for a supervised sanitary fill. The reclamation plan set forth in Shumaker's application satisfies this requirement. The final grading would be made with salvaged overburden and soil (Application, p. 11.), which are nonnoxious, nonflammable, and noncombustible.

6. Section 82-4-336(7), MCA.

When mining has left an open pit exceeding two acres of surface area and the composition of the floor or walls of the pit is likely to cause formation of acid, toxic, or otherwise pollutive solutions on exposure to moisture, Section 82-4-336(7), MCA, requires the reclamation plan to include provisions that adequately provide for:

1. Insulation of all faces from moisture or water contact by covering the faces with material or fill not susceptible itself to generation of objectionable effluents in order to mitigate the generation of objectionable effluents;
2. Processing of any objectionable effluents in the pit before they are allowed to flow or be pumped out of the pit to reduce toxic or other objectionable ratios to a level considered safe to humans and the environment by DEQ;
3. Drainage of any objectionable effluents to settling or treatment basins when the objectionable effluents must be reduced to levels considered safe by DEQ before release from the settling basin;
4. Absorption or evaporation of objectionable effluents in the open pit itself; and
5. Prevention of entrance into the pit by persons or livestock lawfully upon adjacent lands by fencing, warning signs, and other devices that may reasonably be required by DEQ.

While the reclamation plan set forth in Shumaker's application provides that highwalls will remain after reclamation, the highwalls would not likely cause formation of acid, toxic, or otherwise pollutive solutions on exposure to moisture. As indicated above, shonkonite is non-acid producing. Therefore, the reclamation plan does not need to include any of the provisions set forth in Section 82-4-336(7), MCA.

7. Section 82-4-336(8), MCA.

Section 82-4-336(8), MCA, requires a reclamation plan to provide for vegetative cover if appropriate to the future use of the land as specified in the reclamation plan. The reestablished vegetation cover must meet county standards for noxious weed control.

The reclamation plan set forth in Shumaker's application complies with Section 82-4-336(8), MCA. It proposes to return the area disturbed by mining to its premining status as dryland agricultural grazing with the exception of most of the facility area (Application, p. 10). Approximately two acres of the facility area would be returned to dryland agricultural grazing (Application, p. 13). The remaining portion of the facility area would be used postmining to locate product stockpiles left for the landowner's use. The application indicates that the landowner would assume reclamation for the facility area after removal of product stockpiles by importing soil from other locations on property owned by the landowner. Alternatively, the landowner could use the facility area for hay or other ranch-related storage (Application, pp. 9 and 10.).

For the area to be returned to dryland agricultural grazing, the reclamation plan provides that regraded areas would be ripped after overburden and soil are spread to

relieve compaction and prepare the seedbed. The area would be broadcast seeded with an agency-approved seed mix. Fertilizer would be applied at the time of seeding at the rate of 40 pounds of nitrogen and 40 pounds of phosphorous per acre (Application, p. 12.). In the reclamation plan, Shumaker commits to obtain a weed control plan approved by Cascade County or to hire Cascade County to do the weed control (Application, p. 11.).

8. Section 82-4-336(9)(a), MCA.

With regard to disturbed land other than open pits or rock faces, Section 82-4-336(9)(a), MCA, requires the reclamation plan to return all disturbed areas to comparable utility and stability as that of adjacent areas. If the reclamation plan provides that mine-related facilities will not be removed or that the disturbed land associated with the facilities will not be reclaimed by the permittee, the post-mining land use must be approved by DEQ.

The reclamation plan set forth in Shumaker's application complies with Section 82-4-336(9)(a), MCA. As previously indicated, with the exception of a portion of the facility area, the disturbed land will be regraded and returned to dryland agricultural grazing, providing comparable utility and stability as that of adjacent areas. While most of the facility area will not be regraded and seeded, the application indicates that it has a legitimate postmining use by the landowner as a hay or other ranch-related storage area.

9. Section 82-4-336(9)(b), MCA.

With regard to open pits and rock faces, Section 82-4-336(9)(b), MCA, requires the reclamation plan to provide sufficient measures for reclamation to a condition:

1. Of stability structurally competent to withstand geologic and climatic conditions without significant failure that would be a threat to public safety and the environment;
2. That affords some utility to humans or the environment;
3. That mitigates postreclamation visual contrasts between reclamation lands and adjacent lands; and
4. That mitigates or prevents undesirable offsite environmental impacts.

The use of backfilling as a reclamation measure is neither required nor prohibited in all cases. DEQ's decision to require backfill must be based on whether and to what extent the backfilling is appropriate to achieve the standards described in (9)(b).

The reclamation plan set forth in Shumaker's application complies with Section 82-4-336(9)(b), MCA. The reclamation plan indicates that highwalls will remain after closure. These highwalls should be structurally competent to withstand geologic and climatic conditions without significant failure that would be a threat to public safety and the environment, as shonkonite is a very hard rock with limited potential to ravel over time (Application, p. 9). The application also indicates that the golden eagle is one of two raptors noted for the Shaw Butte area. The quarry may ultimately remove the top of the eastern ridge in the permitted area, removing a potential perching and nesting location (Application, p. 3.). The remaining highwalls, however, may serve as perching and

nesting habitat and feeding areas for golden eagles and other raptors. DEQ also believes that remaining highwalls may provide habitat for bats, some species of which have been identified as species of concern. Thus, the remaining highwalls would afford some utility to the environment.

The application indicates that Shaw Butte has a cap of shonkonite in high erosion relief (Application, p. 4). Thus, the visual contrast between the reclamation lands and adjacent lands is mitigated to the extent that there are other shonkonite features in high relief in the area. Additionally, the application indicates that the quarry would not be visible from the Birdtail Creek Road (Application, p. 9). Oblique views of the quarry are attached to the application. The facility area is visible from the road. A portion of the facility area will be regraded and revegetated with the remainder serving as a storage site for the landowner.

Based on its review of the application, DEQ is unable to identify any offsite environmental impacts that are not mitigated or prevented. As previously indicated, shonkonite is a very hard rock with limited potential to ravel over time and is nonacid producing. The only water impoundments are for storm water control, which should prevent offsite impacts. There is no surface water within 500 feet of the access road and within 1,000 feet of the proposed permit area. The closest well is more than 1,000 feet from the quarry. In addition, the proposed mining operation will not intercept groundwater.

While the application indicates that "no areas will be backfilled" (Application, p. 9), DEQ notes that the reclamation plan requires any available blasted rock and overburden to be pushed against highwalls to create berms at the toe of the highwalls (Application, pp. 9, 13). The toe berms are to be regraded to a slope of approximately 2:1 and serve to reduce safety hazards (Application, p. 11). Backfilling to the extent beyond creation of the toe berms is not necessary to achieve the standards set forth in Section 82-4-336(9)(b), MCA, as discussed above.

10. Section 82-4-336(10), MCA.

Section 82-4-336(10), MCA, requires the reclamation plan to provide sufficient measures to ensure public safety and to prevent the pollution of air or water and the degradation of adjacent lands. As indicated previously, shonkonite is a very hard rock with limited potential to ravel. Safety will be enhanced by creation of toe berms at the foot of the highwalls. The potential for impacts to air quality is created by the quarry operation. The application indicates that dust control (water trucks and sprays) would be used with quarrying, screening, and hauling operations as necessary in order to keep dust generated by mining activity and vehicle travel from blowing offsite (Application, p. 9). Crushers brought to the site are required to have an existing Air Quality Permit issued by DEQ (Application, p. 5). As previously indicated, the proposed operation as described in the application does not anticipate impacts to water or adjacent lands.

11. Section 82-4-336(12), MCA.

Section 82-4-336(12), MCA, requires a reclamation plan to provide for permanent landscaping and contouring to minimize the amount of precipitation that infiltrates into

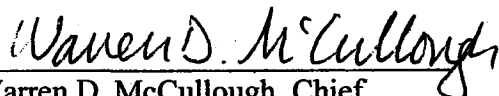
disturbed areas that are to be graded, covered, or vegetated, including but not limited to tailings impoundments and waste rock dumps. The plan must also provide measures to prevent objectionable postmining ground water discharges.

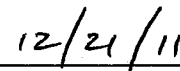
As previously indicated, the application indicates that shonkonite is non-acid producing. Thus, unlike tailings impoundments and waste rock dumps consisting of acid generating material, there is not the need to minimize the amount of precipitation infiltrating the reclaimed areas at the proposed operation to prevent acid mine drainage or the mobilization of other constituents that may impact water resources. Based on information contained in the application, DEQ does not believe that there will any objectionable ground water discharges.

The Draft CEA addresses issues and concerns raised during public involvement and from agency scoping. The agencies have decided to approve the permit as proposed as the preliminary preferred alternative. This is not a final decision. This conclusion may change based on comments received from the public on this Draft CEA, new information, or new analysis that may be needed in preparing the Final CEA

Copies of the Draft CEA can be obtained by writing DEQ, Environmental Management Bureau, P.O. Box 200901, Helena, MT 59620, c/o Herb Rolfes, or calling (406) 444-3841; or sending email addressed to hrolfes@mt.gov. The Draft CEA will also be posted on the DEQ web page: www.deq.mt.gov/ea/mcp.x. Public comments concerning the adequacy and accuracy of the Draft CEA will be accepted until January 27, 2012.

Since the Final EA may only contain public comments and responses, and a list of changes to the Draft CEA, please keep this Draft CEA for future reference.


Warren D. McCullough, Chief
Environmental Management Bureau


Date

EXPANDED CHECKLIST ENVIRONMENTAL ASSESSMENT

COMPANY NAME: Shumaker Trucking & Excavating Contractors, Inc.

LOCATION: 4.7 miles south of Fort Shaw, MT

PROPERTY OWNERSHIP: ☐ Federal ☐ State ☒ Private

00179

PROJECT: Fort Shaw Quarry

COUNTY: Cascade

OPERATING PERMIT No.

TYPE AND PURPOSE OF ACTION: On May 10, 2011 Shumaker Trucking & Contractors, Inc. (Shumaker) submitted an application to the Montana Department of Environmental Quality (DEQ) for an operating permit for the Fort Shaw quarry. The quarry is currently operated under a Small Miner Exclusion Statement (SMES) but cannot stay under five acres of disturbance, and therefore an operating permit is required. The quarry is located in Section 35, Township 20 North, Range 2 West, in Cascade County, about 4.7 miles south of Fort Shaw, MT.

The quarry rock is shonkinite, a hard, dark igneous rock that is used for aggregate and riprap. Shonkinite has been used in central Montana for various road, railroad, and construction projects as a source of aggregate and rip rap.

The application is for a permit area of 79.6 acres, with 35.6 acres to be disturbed over the life of the mine, which is estimated to be about fifty years. Mining has taken place at the site for the last 18 years under a SMES. The total disturbance, including what has already been disturbed, would be about 16 acres over the next five years.

Equipment used to quarry the shonkinite would likely consist of loaders, dozers, articulated trucks, and excavators. There would also be conveyors, a portable screen/crushing plant, a pugmill, and possibly a portable asphalt plant. Removal of shonkinite would require blasting. This would be performed about twice a year by a certified blaster. Blasting products would not be stored on site.

Asphalt production would be limited from 6 am to 7 pm to minimize disturbance to neighbors. Wind in the area would minimize impacts from asphalt production odors. Work at the quarry and hauling from the site would occur during daylight hours, usually from 6 am to 7 pm, Monday through Saturday. The number and type of trucks would vary, and may require up to 100 truckloads per day during periods of peak activity.

DEQ must review the application, evaluate the potential impacts, and decide if it complies with the Montana Metal Mine Reclamation Act (MMRA) requirements, and the Administrative Rules of Montana 17.24.119.

PROPOSED ACTION: The site has been mined for the last 18 years under a SMES. The operator cannot stay under five acres of disturbance at any one time and therefore must obtain an operating permit. The operating permit would allow the quarry to continue to be worked, with total disturbance, including what has already been disturbed, of about 16 acres over the next five years and up to 35.6 acres over the life of the quarry.

The material from the quarry would be used for aggregate and rip rap. The processing plant would consist of screening and crushing equipment, and may include an asphalt plant. The on-going operations would continue as before, but under an operating permit as the site would be expanded. There would be an area set aside for screening and processing rock, a turn-around for trucks, soil and growth medium stockpiles, and product stockpiles. Water for dust control would be brought in. Storm water would be contained on site. On issuance of an operating permit a

reclamation bond would need to be posted that would cover all disturbances; past, present, and proposed.

The project would employ up to eight people at the quarry. The quarry would normally operate from Monday through Saturday, 6 am to 7 pm, on an as-needed basis.

CHECKLIST ENVIRONMENTAL ASSESSMENT

Environmental Assessment (EA) Legend:

N = Not present or No Impact will occur.

Y = Impacts may occur (explain under Potential Impacts).

NA = Not Applicable

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
<p>1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?</p>	<p>[N] The rock to be removed is shonkinite, a dark, igneous rock studded with blocky crystals of glossy black augite. The shonkinite intruded as blisters of magma that swelled beneath the Eagle sandstone, a formation of late Cretaceous sedimentary rock. Erosion has removed the sandstone leaving the more resistant shonkinite standing in high erosion relief. The shonkinite is non-acid producing, and is considered to be an excellent product for aggregate and rip rap. Shonkinite is a hard rock that has been used for many years in central Montana for various road, railroad, and construction projects.</p> <p>Soil in the area ranges from 0 to 36 inches. Soil was not salvaged in the past. In the future, soil and overburden would be salvaged from new facility and mine areas. Approximately 1,000 cubic yards could be salvaged over the next five years.</p> <p>The site is composed of four soil types; the Castner-Perma-Rock outcrop complex, Cheadle-Hilger complex, Binna-Evanston complex, and a minor area of Fairfield loam. The predominant soil type (covering about 75 percent of the land area and where most of the disturbance from mining would occur) is the Castner-Perma-Rock outcrop complex. The Castner soil is found on slopes of 10 to 60 percent, is well-drained, and ranges from a cobbly loam to an extremely channery loam, with a total depth of up to 16 inches. The Perma soil is found on slopes of 10 to 60 percent, is excessively drained, and ranges from a very cobbly loam to an extremely cobbly sandy loam with a total depth up to 60 inches. The Cheadle-Hilger complex covers about 16 percent of the land area. The Cheadle soil is found on slopes of 10 to 60 percent, is well-drained, and ranges from a stony loam to an extremely channery loam, with a total</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

	<p>depth of up to 10 inches. The Hilger soil is found on slopes of 10 to 60 percent, is well drained, and ranges from a very stony loam to an extremely stony loam, with a total depth of up to 60 inches. The Binna-Evanston complex covers about 7 percent of the land area. The Binna soil is found on slopes of 5 to 10 percent, is well-drained, and ranges from a loam to a very gravelly loamy sand, with a total depth of up to 60 inches. The Evanston soil is found on slopes of 5 to 10 percent, is well-drained, and ranges from a clay loam to a loam, with a total depth of up to 60 inches. The Fairfield loam covers a minor area and is found on slopes of 4 to 8 percent, is well-drained, and ranges from a loam to a silty clay loam, with a total depth of up to 60 inches.</p> <p>The operator commits to salvaging as much overburden and soil as possible over the remaining life of the quarry. No soil was salvaged under the SMES. The operator assumes 1,000 cubic yards can be salvaged over the first five years of operation. The operator will place a minimum of 6 inches of soil/overburden over the facilities area, excepting product storage stockpiles left for the landowner.</p>
<p>2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?</p>	<p>[N] There are no surface or groundwater resources present on the site that would be disturbed. Best Management Practices (BMPs), such as small settling basins and soil berms would be used to control runoff from precipitation events. No stormwater would exit the quarry disturbance area.</p> <p>The nearest well is located over 1,000 feet away. There would be minimal potential for nitrate residues from blasting to reach the water table.</p> <p>A tanker truck would bring water to the site for road maintenance and dust control.</p> <p>The estimated depth of mining would be less than fifty feet below the quarry floor. The estimated high water table is greater than fifty feet below the surface of the quarry floor.</p>
<p>3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?</p>	<p>[N] An air quality permit for the site may be required for the asphalt plant and crushers. The asphalt plant and crusher would have their own air quality permits. Dust control would consist of spraying water during mining, screening, and hauling operations.</p> <p>Fugitive dust control BMPs would reduce emissions associated with traffic on access roads in the project area.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?</p>	<p>[N] The existing vegetation is mostly bluebunch wheatgrass and skunkbrush sumac. Some noxious weeds exist. The operator would obtain a Cascade County Weed Control Plan or commit to hiring Cascade County to conduct weed spraying.</p> <p>A seed mix has been provided by DEQ for revegetating the site. Fertilizer will be applied at the time of seeding at the rate of 40 pounds of nitrogen, and 40 pounds of phosphorus, per acre.</p> <p>There are no known rare or sensitive plant species in the proposed disturbance area.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds, or fish?</p>	<p>[N] Mule and whitetail deer are found in the area. The quarry has been worked for over 18 years. No impacts to terrestrial, avian, and aquatic life and habitats are expected.</p>
<p>6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?</p>	<p>[N] The amendment would not cause impacts to any threatened, endangered, or sensitive species or habitats. A review by the Montana Natural Heritage Program revealed two species of special concern that exist in the area, but not within the proposed permit boundary. A golden eagle was last observed in May of 2009 and a greater short-horned lizard was last observed in May of 1985. The rock ridges offer perching areas for golden eagles. The quarry offers potential habitat (sandy/gravelly soils) for the greater short-horned lizard. These habitat types are readily available in the Fort Shaw area.</p>
<p>7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological, or paleontological resources present?</p>	<p>[N] A records search by the State Historic Preservation Office indicated that there are no known cultural areas of concern in the proposed permit area. As noted in the application, the operator would provide protection for archaeological and historical sites if they are discovered.</p>
<p>8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?</p>	<p>[Y] The area is a historic quarry site, in a remote area, with disturbances going back to at least 1960. The area has been quarried for the last 18 years under a SMES. Disturbed areas would be regraded and seeded, although highwalls would be left. While the facility area would be visible from Birdtail Creek Road that is within about a half a mile of the proposed permit area, the actual quarry would not be visible. Product stockpiles would be left for landowner use. Highwalls would have a height of up to one hundred feet, or more. Shonkinite is a hard rock with limited potential to ravel over time. During reclamation of the site rock would be pushed against the highwalls to minimize safety risks by creating toe berms. Overburden and soil would be spread and seeded. Any remaining product stockpiles would be left for subsequent use by</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT

	<p>the landowner.</p> <p>A temporary asphalt batch plant may be set up on site for a particular contract. Asphalt production would be limited from 6 am to 7 pm to minimize disturbance to neighbors. All materials used to produce asphalt would be placed in containment areas to prevent loss of product. Wind in the area would minimize impacts from asphalt production odors through dispersion.</p> <p>Work at the quarry and hauling from the site would occur during daylight hours, normally from 6 am to 7 pm, Monday through Saturday, campaign style. The number and type of trucks would vary, and may require up to 100 truckloads per day during periods of peak demand.</p> <p>Noise would be generated as material is removed, sized, and loaded into haul trucks. The site, and all the land around it for a distance of more than one-half mile, is owned by one landowner.</p>
<p>9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?</p>	<p>[N] Water would need to be brought to the site for dust control. Stock water would be hauled by a tanker truck to the site.</p> <p>There are no other active mining sites nearby.</p>
<p>10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?</p>	<p>[N] There are no other activities in the area that would affect this project.</p>

IMPACTS ON THE HUMAN POPULATION

<p>11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?</p>	<p>[N] The project would use existing roads. One comment was received after the public notice of the application for an operating permit was published which expressed concern over wear and tear on the blacktop and gravel roads in the area. Historically, up to 100 truckloads per day have travelled along Highway 200, depending on contracts. No additional impacts from what currently exist are expected with approval of this operating permit.</p>

IMPACTS ON THE HUMAN POPULATION	
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N]
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] The current number of employees, up to eight people at the quarry site, is not expected to increase.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] The project would allow employment for a small number of people to continue. This amendment would maintain or add to tax revenue.
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] The Proposed Action would not impact government services.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] The Proposed Action would not impact any wilderness or recreational areas.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require	[N] The Proposed Action would not cause impacts to the density and distribution of population and housing.

IMPACTS ON THE HUMAN POPULATION	
additional housing?	
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] Approval of the operating permit is not expected to cause impacts to social structures and mores.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N] Approval of the operating permit is not expected to cause impacts to cultural uniqueness and diversity.
21. PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[N] The Proposed Action would not impact private property use.
22. PRIVATE PROPERTY IMPACTS: Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	[N] The Proposed Action and Type and Purpose sections above identify the objectives of this environmental assessment.
23. PRIVATE PROPERTY IMPACTS: Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives.	[Y] The Proposed Action and Type and Purpose sections above identify the objectives of this environmental assessment. See item 22 above.

IMPACTS ON THE HUMAN POPULATION	
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

25. **ALTERNATIVES CONSIDERED: NO-ACTION ALTERNATIVE (DENY THE APPLICANT'S PROPOSED ACTION):** The No-Action Alternative would not allow implementation of the proposed amendment. This would mean that the quarry could not expand beyond the five acres of disturbance that is allowed under the SMES. Shumaker would have to reclaim the site to less than five acres.
26. **APPROVE THE APPLICANT'S PROPOSED ACTION:** The Proposed Action would allow additional disturbance over the five acre disturbed and unreclaimed limit imposed by the SMES as the quarry is expanded.
27. **APPROVE THE AGENCY MODIFIED PLAN:** No mitigations are proposed.
28. **PUBLIC INVOLVEMENT:** Legal notices of the receipt of an application for an operating permit were published in the Great Falls Tribune (May 26, June 2nd and 9th, 2011), and Helena Independent Record (May 25, June 1st and 8th, 2011) as well as a public news release. One comment was received that expressed concern over wear on the area roads. This comment is addressed under Section 11, Human Health and Safety. A public news release will be issued on the results of this EA. A legal notice concerning the application and availability of this EA will be published, and a public comment period provided.
29. **OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION:** None.
30. **MAGNITUDE AND SIGNIFICANCE OF POTENTIAL IMPACTS:** There would be no significant environmental impacts associated with this proposal. As noted, there would be impacts to soil and vegetation on the disturbed acres. These acres, except the stockpile areas, would be reclaimed at closure. Indirect impacts, such as truck traffic to Highway 200 would continue.
31. **CUMULATIVE EFFECTS:** There are no other proposals in the area that would add to the cumulative effects from this proposal. The Savoy Quarry on the north side of Shaw Butte is operated under Operating Permit # 00077. It is currently less than five acres in size. It has been largely inactive for many years. No plans exist for expansion at this time.

RECOMMENDATION FOR FURTHER ENVIRONMENTAL ANALYSIS: The agencies have concluded that impacts from the proposed action would be minimal.

☐ EIS ☐ More Detailed EA ☒ No Further Analysis.

The DEQ has selected the Approve the Applicant's Proposed Action as the preferred alternative.

EA Checklist Prepared By:

Herb Rolfes, DEQ Operating Permits Section Supervisor

This EA was reviewed by:

Patrick Plantenberg, DEQ Reclamation Specialist

Warren McCullough, DEQ, Environmental Management Bureau, Chief

Approved By:

Warren D. McCullough

Signature

Warren D. McCullough, Chief, Environmental Management Bureau, DEQ

11/21/11

Date

OP\OP_Application\Shumaker\DraftEA



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-11-32

December 27, 2011

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, statement of basis, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT NAME: City of Big Timber
P.O. Box 416
Big Timber, MT
59011-0416

FACILITY NAME: City of Big Timber Wastewater Treatment Facility (WWTF)

FACILITY LOCATION: Township 1N, Range 14E, Section 13; NW ¼ NE ¼
Sweet Grass County

RECEIVING WATER: Boulder River

PERMIT NUMBER: MT0020753

This is a reissuance of the MPDES permit for the City of Big Timber Wastewater Treatment Facility. The Big Timber Wastewater Treatment Facility is a 4-celled, aerated lagoon system that treats domestic wastewater for the City of Big Timber. The facility continuously discharges into the Boulder River via an effluent ditch. Effluent limits in this permit will be protective of beneficial uses. This permit does not authorize any new or increased discharges subject to the MT Nondegradation rules.

The permit contains existing effluent limits for BOD₅, TSS, and *E. coli*. New monitoring requirements are incorporated into the permit. Monitoring of the effluent is required at the

end of the treatment train, prior to discharge to the effluent ditch. A compliance schedule was written into the permit requiring the facility to have a functioning disinfection system and to meet new limits for ammonia, copper, lead and iron.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA, et al., CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because it is not a new permit.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS January 26, 2012. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS January 26, 2012 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Noelle Uncles or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

**PUBLIC NOTICE NO. MT-11-32
December 27, 2011**

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT
AND NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS**

Sunday, December 25, 2011

Name of Responsible Entity: Montana Department of Commerce – Housing
Division

Complete Address of Responsible Entity: 301 S. Park Ave. Room 240
PO Box 200545
Helena, Montana 59620-0545

Telephone Number: 406-841-2820

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the Missoula Housing Authority.

REQUEST FOR THE RELEASE OF FUNDS

On or about Tuesday, January 10, 2012 the Montana Department of Commerce (MDOC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) on behalf of the Missoula Housing Authority for the release of HOME Investment Partnerships (HOME) funds) under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, to undertake a project known as The Palace Apartments Rehabilitation for the purpose of rehabilitation of The Palace Apartments, so that this building can continue to safely serve the low-income population of Missoula. The Palace is a historic 60-unit apartment building located at 149 West Broadway in the heart of downtown Missoula. All 60 units are now, and will continue to be, Low Income Housing Tax Credit Unit. This \$4.5 million project, utilizing \$500,000 in HOME funding, will restore and remodel interior and exterior to produce a high-functioning, quality multi-family residence.

FINDING OF NO SIGNIFICANT IMPACT

The Montana Department of Commerce has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required.

Additional project information is contained in the Environmental Review Record (ERR) on file at Montana Department of Commerce, 301 S. Park Ave. Room 240, Helena, Montana 59620-0545 and the Missoula Office of Planning & Grants, 435 Ryman, Missoula, MT 59802. The ERR may be examined or copied weekdays from 8:00 A.M. to 5:00 PM at the Montana Department of Commerce Housing Division office, or from 9:30 A.M. to 4:30 P.M. at the Missoula Office of Planning & Grants offices.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Montana Department of Commerce – Housing Division. All comments received by 5:00 P.M. Monday, January 9, 2012 will be considered by the Montana Department of Commerce prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

RELEASE OF FUNDS

The Montana Department of Commerce certifies to the U.S. Department of Housing and Urban Development that Bruce Brensdal in his capacity as Housing Division Administrator consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The U.S. Department of Housing and Urban Development approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the Missoula Housing Authority to use HOME Program funds.

OBJECTIONS TO THE RELEASE OF FUNDS

The U.S. Department of Housing and Urban Development will accept objections to its release of funds and the Montana Department of Commerce's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are made on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Certifying Officer of the Montana Department of Commerce; (b) the Montana Department of Commerce has omitted a step or failed to make a decision or finding required by U.S. Department of Housing and Urban Development regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before the approval of a release of funds by the U.S. Department of Housing and Urban Development; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures of 24 CFR Part 58 and shall be addressed to the (U.S. Department of Housing and Urban Development, Region VIII Office, 8ADE, 1670 Broadway Street, Colorado 80202-4801. Potential objectors should contact HUD to verify the actual last day of the objection period.

Bruce Brensdal, Administrator
Housing Division, Montana Department of Commerce



**US Army Corps
of Engineers®**

Omaha District

PUBLIC NOTICE

Application No: NWO-2011-01063-MTH

Applicant: Montanore Minerals Corporation

Waterway: Un-named Streams and Wetlands

Issue Date: December 16, 2011

Expiration Date: February 14, 2012

60-DAY NOTICE

Helena Regulatory Office

10 West 15th Street, Suite 2200

Helena, Montana 59626

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application of Montanore Minerals Corporation (MMC) for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers (Corps), Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permissible under current laws and regulations.**

Description of Proposed Project: The applicant anticipates mining up to 120 million tons of ore to recover approximately 1,000,000,000 pounds of copper and 139,000,000 ounces of silver from underground deposits in northwestern Montana. MMC requests permission to develop an underground copper and silver mine and electric power transmission line within the Kootenai National Forest (KNF). MMC has applied for a Section 404 permit to place fill material in conjunction with construction of the mine and ancillary facilities. Specifically, the underground mine's ancillary surface facilities would result in the discharges of fill material into waters of the United States. The surface access, tailings storage facility (TSF), and road improvements are examples of surface facilities that would be located outside of the Cabinet Mountain Wilderness (CMW) area within the KNF. **Drawings showing the location and extent of the project are attached to this notice.**

The applicant's Section 404 permit application is for Alternative 3, the Agency Mitigated Poorman Impoundment Alternative as described in the 2011 Supplemental Draft Environmental Impact Statement (SDEIS). The electric power transmission line alternatives, which are Alternatives C, D, and E, were revised to avoid effects on private land. The preferred electric power transmission line alternative is Alternative D-R, the Miller Creek Alternative. **The 2011 SDEIS is available for viewing at the Kootenai National Forest and the Montana Department of Environmental Quality web sites (<http://www.fs.usda.gov/kootenai/> & <http://deq.mt.gov/eis.mcp#MontanoreSDEIS>).**

The project would consist of mine-related components of Alternative 3, including: the existing evaluation adit (the tunnel); an underground mine; a mill; three additional Libby adits and portals; a tailings storage facility (impoundment); access roads; an electric power transmission line; and a rail load-out facility. The mine would be developed in phases: the evaluation phase (years 1-2); construction phase (years 3-5); and operational phase (years 6-24). After completion of mining and operations (year 24), a closure phase of decommissioning and reclamation would occur.

The Poorman TSF would cover 608 acres. The primary (tailings) dam would eventually be 10,300 feet long and 360 feet high at its maximum dimensions. The applicant would discharge fill material for road construction and facilities within the Poorman TSF. The mine tailings would be transported from the mill through a pipeline to the Poorman TSF located between Little Cherry and Poorman Creeks. The TSF project site is designed to hold 120

million tons of mine tailings. The Poorman TSF berm, starter dam, and saddle dam would consist of 2.7, 1.7, and 0.73 million cubic yards of fill material, respectively. When all work is completed, the primary (tailings) dam and impounded tailings will remain as permanent features.

Fill material for road improvements would be discharged to aquatic areas to construct and widen Bear Creek Road 278 and Libby Creek Road 231. Thirteen miles of Bear Creek Road to the Poorman TSF site would be upgraded and paved to 26 feet. The existing 14-foot wide Bear Creek Bridge would be replaced and widened to 26 feet. A new bridge crossing Poorman Creek would be constructed upstream of the existing crossing.

Impacts: An estimated 11,949 linear feet of jurisdictional stream channel would be impacted by fill material at the Poorman TSF. Up to 12.2 acres of wetlands would be affected, but not all wetlands are regulated under the Federal Clean Water Act. Approximately 8.8 acres of jurisdictional (i.e., Federally regulated) wetlands would be filled. About 8.6 acres occur within the footprint of the Poorman TSF and will be filled, and 0.2 acre occurs along the Bear Creek Road between the Poorman TSF and U.S. 2. The remaining 3.4 acres of wetlands are not regulated under the Federal Clean Water Act.

Several non-wetland waters of the U.S. flow to Libby Creek. Six springs associated with wetlands and other waters of the U.S. occur in the Poorman TSF, and one spring is located south of the Libby Plant Site. Wetlands occur at road crossings on both Ramsey and Poorman Creeks. Roads not associated with the Poorman TSF would affect 0.2 acre of jurisdictional wetlands. The stream crossings Ramsey, Poorman, and Bear Creeks would be bridged and would not affect wetlands or other waters of the U.S. Discharges at the Poorman TSF, Libby Plant Site, and at stream crossings would fill 3.4 acres of isolated, non-jurisdictional wetlands. Several wetlands are located south of the Poorman TSF. These wetlands would not be filled by the tailings, but are within the disturbance area and would be filled by access roads or other project facilities. Indirect effects on wetlands, springs and seeps may occur during mine dewatering. Wetlands are found adjacent to a channel below the southeast section of the dam. The channel flows off of the site, onto private property. Three intermittent channels without wetlands are found below the dam. If these wetlands and other waters of the U.S. were not filled, the pump-back well system would reduce groundwater levels in the impoundment area and probably reduce or eliminate the hydrologic support for the wetlands. Flow in the intermittent channels would be eliminated. No springs or seeps are below the Poorman TSF.

Fill discharged into wetlands and other waters of the U.S. would eliminate populations of aquatic organisms within the Poorman TSF. Construction of stream crossings for transmission line access roads would require the discharge of small amounts of fill into aquatic habitat.

Indirect impacts are predicted to be: declining water levels from the Poorman TSF pump-back wells; reduced ground and surface water flows in channel segments (other waters of the U.S.), WUS-1, WUS-5, WUS-3, and WUS-14; decreased flow in upper Libby Creek above the Libby Adit during the Evaluation through Closure Phases; increased flow in Libby Creek below the Libby Adit during all phases except the Operations Phase; reduced flow in Ramsey Creek during the Construction through early Post-Closure Phases; reduced flow in Libby Creek when the pump-back wells are operating; reduced flows in lower Poorman Creek during Operations through the Post-Closure Phases; and alteration of the watershed area of Little Cherry Creek, which would increase by 644 acres (44%). As part of the final closure plan, the applicant would complete a hydraulic and hydrologic analysis of the proposed diversion channel based on the final mine plan and submit it to the lead agencies and the Corps for approval. The average annual flow in Libby Creek between Poorman Creek and Little Cherry Creek would decrease by 3 percent as result of the diversion of runoff to Little Cherry Creek. The project would also reduce stream flow in East Fork Rock Creek and East Fork Bull River during the Evaluation through early Post-Closure Phases. When groundwater levels reached steady state conditions in approximately 1,300 years the flows in upper East Fork Rock Creek above Rock Lake would remain permanently reduced. Mitigation would reduce post-mining effects to the East Fork Rock Creek and Rock Creek, and slightly reduce flow in the East Fork Bull River. Stream flow in East Fork Rock Creek and Rock Creek below the lake would return to pre-mine conditions or increase slightly.

Cumulatively, the proposed Montanore Mine and proposed Rock Creek Mine projects occurring concurrently would cumulatively reduce flows in the Rock Creek and East Fork Bull River watersheds, resulting in habitat loss downstream of Rock Lake and St. Paul Lake, including during the bull trout spawning period. Cumulative reductions in stream flow in Libby Creek, East Fork Rock Creek, Rock Creek, and East Fork Bull River during the various mining phases would decrease the amount of available aquatic habitat, and reduced flows may have effects

on water temperature or other habitat characteristics. Upper Libby Creek below the Libby Adit would have an increase in stream flow and would increase the amount of aquatic habitat. Increased concentrations of some metals, total dissolved solids, and nutrients as a result of permitted discharges during all phases except Operations would occur in the Libby Creek drainage.

Location: The proposed project is located in a mountainous area approximately 18 miles south of the community of Libby, Montana. Access to the mine would be via U.S. 2 and Bear Creek Road 278. The proposed project is located within USGS Hydrologic Unit Code 17010101 – Upper Kootenai River watershed, in numerous Sections of Township 28 North, Range 31 West, in Lincoln County, Montana.

Purpose: The purpose of the project is to mine copper and silver.

Background: In late 1980, Noranda Minerals proposed the Montanore Mine. In 1990, the Corps issued Noranda Minerals a Section 404 permit. Noranda eventually abandoned the project and ceased work at the Libby Creek Adit site. In 2002, mining interests were conveyed to MMC. The Section 404 permit was not conveyed. The Montana Department of Environmental Quality (MT DEQ) operating permit was not terminated, and in 2004 MMC approached the KNF with their plan for development of the Montanore Mine.

The KNF and the MT DEQ are responsible for preparation of the Environmental Impact Statement (EIS). The agencies neither support nor oppose the Montanore Mine project. The public and agencies commented on the 2009 Draft Environmental Impact Statement (DEIS), and in response to comments, the agencies produced the current SDEIS. Water quality and water quantity were the main issues addressed in the SDEIS. The KNF and the MT DEQ have, as part of the SDEIS, revised the agencies' alternatives for mine development and operation.

Mitigation: Avoidance, Minimization and Compensatory Mitigation: The Montanore Mine proposal continues to be reviewed under NEPA with the Corps participating as a Cooperating Agency. In 2009, the DEIS included an alternatives analysis that identified Alternative 4, the Mitigated Little Cherry Creek Impoundment Site (the Little Cherry Creek area) as the preferred disposal site for the mine tailings. Targeting additional avoidance and minimization of impacts to wetlands and other waters of the U.S., that 2009 alternatives analysis was subsequently revised; in the recently released SDEIS, Alternative 3, the Agency Mitigated Poorman Impoundment site (the Poorman Creek area) was identified as the preferred disposal site, further avoiding and minimizing adverse impacts to aquatic areas. In terms of avoidance of aquatic impacts, under Alternative 4 about 8,000 feet of Little Cherry Creek would be directly affected by fill; by contrast Alternative 3 would not affect such a large, named stream. Alternative 4 would impact about 36 acres of Section 404 jurisdictional wetlands and other waters of the U.S., while Alternative 3 impacts would be about 9 acres. In terms of total acres impacted (aquatic and non-aquatic), Alternative 4 would impact 2,254 acres and Alternative 3 would impact 2,011 acres.

The Poorman TSF would be designed to hold waste tailings and prevent them from entering the environment. Although the design is conceptual, the design would be based on future information obtained during the design process. Because the waste would be stored in perpetuity, the TSF would need to be constructed to permanently prevent leakage into the area's ground and surface water, preclude any type of catastrophic failure, and prevent any wind-blown dust from mobilizing. Because construction and operations are occurring over a number of years, the applicant has agreed to implement an adaptive management approach to adjust and improve the mine, facilities, and further avoid and minimize impacts.

The lower Libby Plant Site was selected because it would not affect wetlands or waters of the U.S., would avoid effects to riparian areas, would consolidate the disturbances associated with the adits and plant in the Libby Creek drainage, and would allow the creation of more core grizzly bear habitat.

Impacts to wetlands and other waters of the U.S. would occur by backhoes, excavators, and front-end loaders. The applicant has agreed to implement best management practices (BMPs) to minimize erosion and sediment release in the construction areas. BMPs would include diversion ditches, berms, silt fences, sediment traps/ponds, straw bales, and interim site reclamation.

As previously stated, the electric power transmission line alternative was revised to avoid effects on private land and is currently Alternative D-R, Miller Creek.

A Section 404(b)(1) Guidelines document was prepared by the applicant and provided to the Corps and includes measures of avoidance, minimization, and compensation. The applicant has committed to implementing additional avoidance and minimization measures during final project design.

The applicant has submitted a draft conceptual compensatory mitigation plan. The mitigation plan describes on-site and off-site compensatory mitigation for impacts to jurisdictional and non-jurisdictional wetlands and jurisdictional non-wetland waters of U.S. The proposed on-site and off-site mitigation includes: establishment of wetlands; enhancement and preservation of existing ecosystems (restoration of degraded wetlands); and mitigation for impacts to non-wetland stream channels. The mitigation plan focuses on establishment of wetlands and restoration of other wetlands at four on-site areas and one off-site area. Mitigation measures are proposed to offset adverse impacts to waters of the U.S. All compensatory mitigation is proposed within HUC 17010101 (Upper Kootenai River).

The Swamp Creek site is the primary wetland compensatory mitigation project proposed by the applicant. The site consists of 67 acres along U.S. Highway 2, approximately 15 miles southeast of Libby, Montana, and 4 miles east of the proposed mine site. Wetlands and other waters of the U.S. lost as a result of the project occur at the Poorman TSF, Libby Adit sites, Bear Creek Road, and road segments to the Libby Plant and Libby Adit sites.

Twelve stream enhancement or restoration projects and riparian planting along seven streams or channels are proposed as compensatory mitigation to replace the biogeochemical functions of the channels that would be impacted by the Poorman TSF. They include creating a channel from the reclaimed Poorman TSF to Little Cherry Creek, increase flow in Little Cherry Creek, reconfigure the Poorman TSF channel remnants, evaluate potential for habitat restoration or enhancement in Poorman Creek, replace culvert where Road 278 crosses Poorman Creek, remove bridge where Road 6212 crosses Poorman Creek, replace culvert where Road 6212 and Road 278 crosses Little Cherry Creek, stabilize Little Cherry Creek sediment sources, construct formidable wood structures in the Libby Creek floodplain, identify the source of elevated fish tissue metal concentrations in Bear Creek, install head-Gates in tributary channels to Swamp Creek, exclude livestock from the Swamp Creek property, plant riparian vegetation where beneficial along streams and channels in the project area, and include the Swamp Creek Site.

401 Water Quality Certification: The MT DEQ will review the proposed project for State water quality certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the project undertaken will not result in a violation of applicable water quality standards. Although water quality certification is a prerequisite for issuance of a permit, certification alone does not guarantee a Department of Army permit will be issued for the project under Section 404. A Section 404 permit will not be issued until water quality certification has been issued or waived by the MT DEQ. The MT DEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, will comply with the National Historic Preservation Act of 1966, as amended. We will evaluate input by Indian Tribes, the Montana State Historic Preservation Officer, and any interested parties in response to this public notice. The initial determination is that the project would not affect properties listed, or eligible for listing, on the National Register of Historic Places.

Threatened / Endangered Species: In compliance with the Endangered Species Act, the proposed project is being reviewed for impacts to federally listed threatened or endangered species and their critical habitat. The Kootenai National Forest has determined that the project may affect, and is likely to adversely affect, grizzly bears; may affect, and is likely to adversely affect Canada lynx; may affect, and is likely to adversely affect bull trout; and may affect, and is likely to adversely affect designated bull trout critical habitat. Endangered Species Act compliance would be through Section 7 consultation. The Kootenai National Forest submitted a biological assessment to the U.S. Fish and Wildlife Service that describes the potential effect on threatened and endangered species. After review of the biological assessment and consultation, the U.S. Fish and Wildlife Service will issue a biological opinion. That biological opinion has not been completed at the time of issuance of this Public Notice.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the Guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the District Engineer to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. **The request must be submitted in writing to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705.** If it is decided that additional information is required and that a public hearing will be held, interested parties will be notified of the date, time, and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. **All replies to the public notice should be addressed to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705.** Please reference Application Number NWO-2011-01063-MTH in all correspondence or inquiries. Mr. James L. Winters may be contacted for additional information, and can be reached by phone at (701) 220-6152 or (701) 250-4280, or by e-mail at montanore@usace.army.mil.

How to Provide Comments: Anyone whose interests may be affected by the proposal is invited to submit written comments to the U.S. Army Corps of Engineers, Omaha District, Helena Regulatory Office. Comments, both favorable and unfavorable, will be made a part of the record and will receive full consideration in subsequent actions on this application. Comments must be submitted in writing on or before the date on the front of this notice to be considered in subsequent actions on this application, or postmarked on or before the closing date. Comments may be submitted by mail to 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705; by e-mail to montanore@usace.army.mil; or by fax to (406) 441-1380. Comments postmarked after the expiration date of this public notice, or received by fax or e-mail after the closing date, will not be considered. Comments left on voicemail system will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

Attachments: Location map; project impact maps; typical plan drawings; representative photographs of affected aquatic resources.

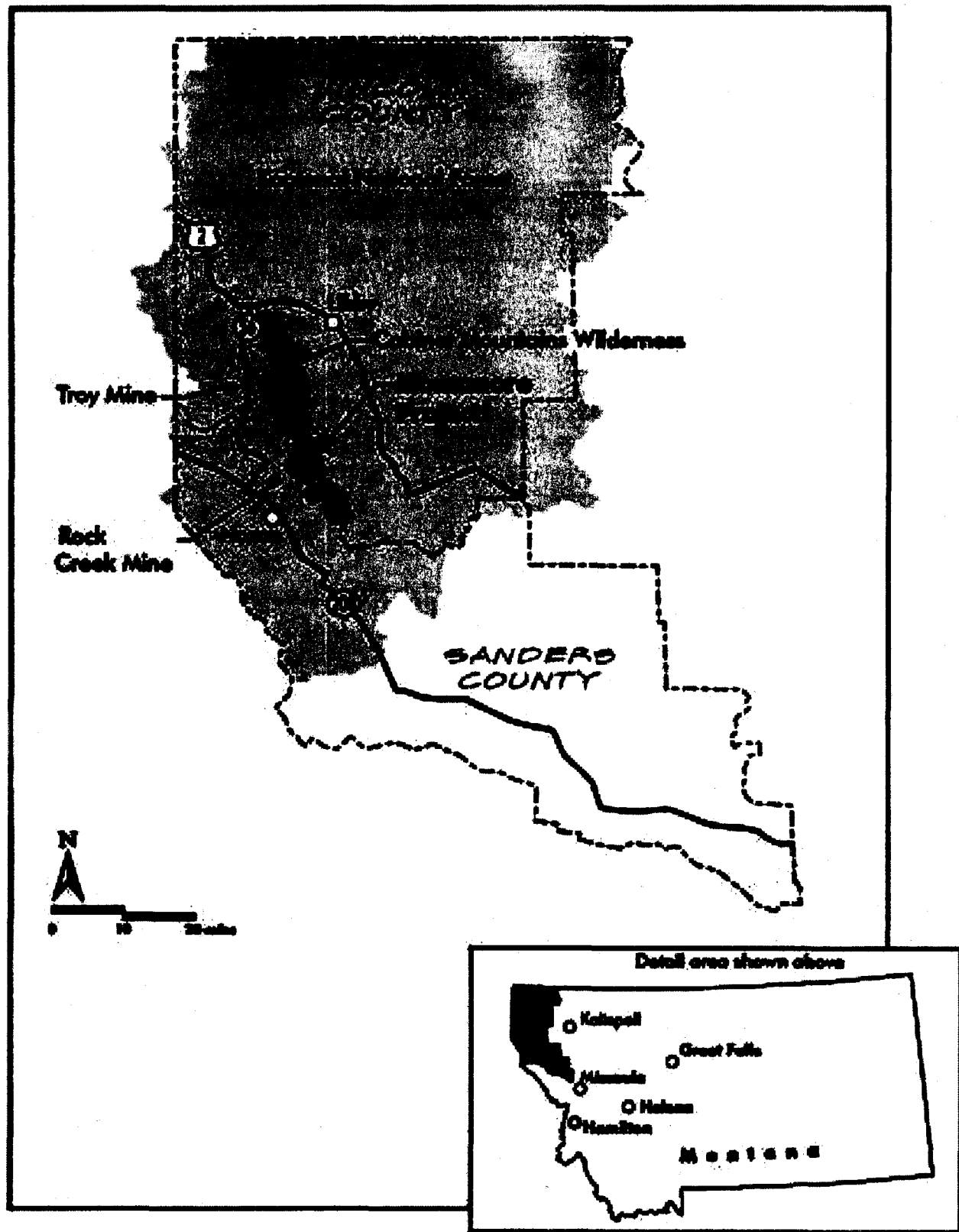


Figure 1. Location Map, Montanore Project, Kootenai National Forest.

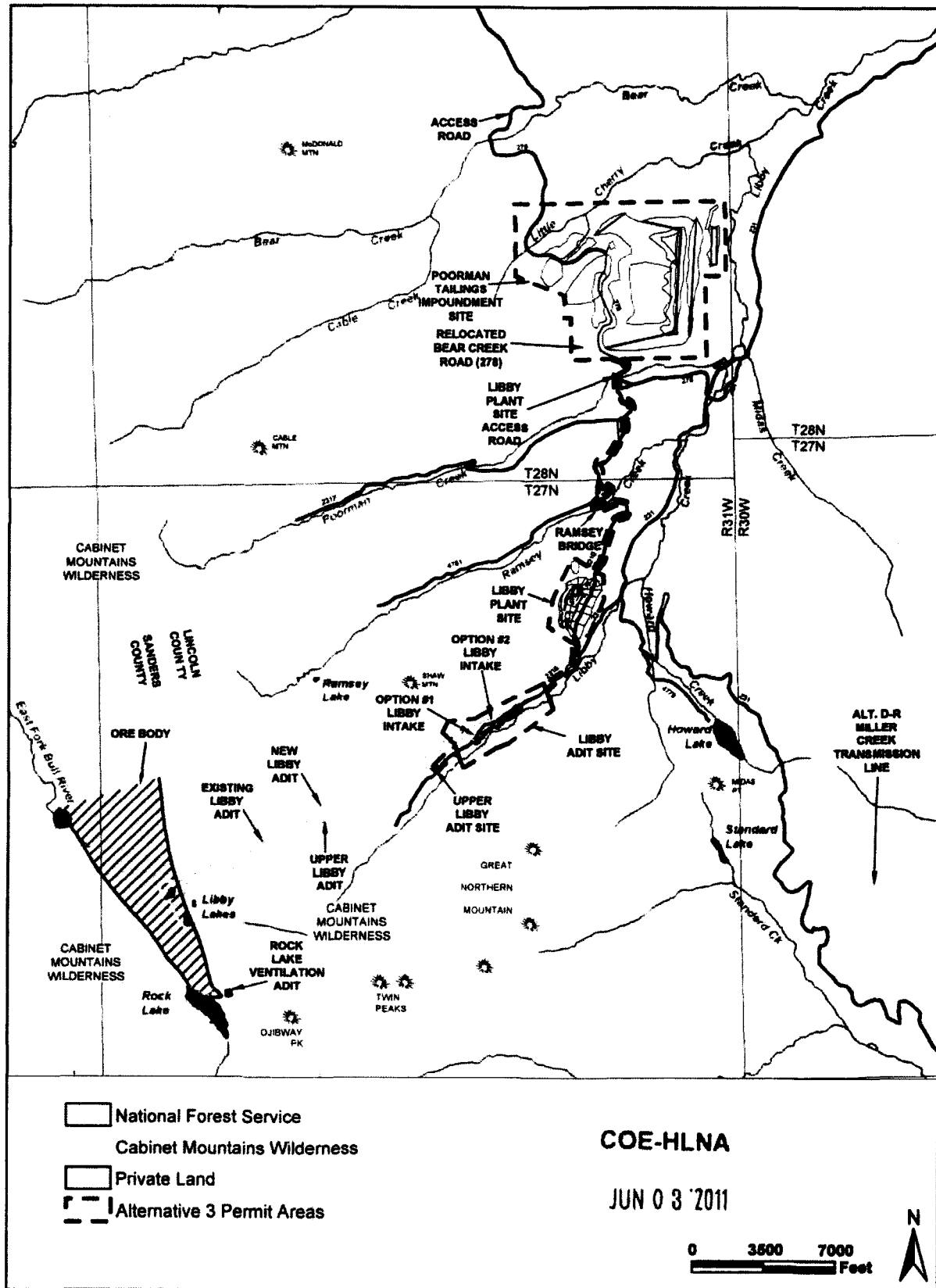
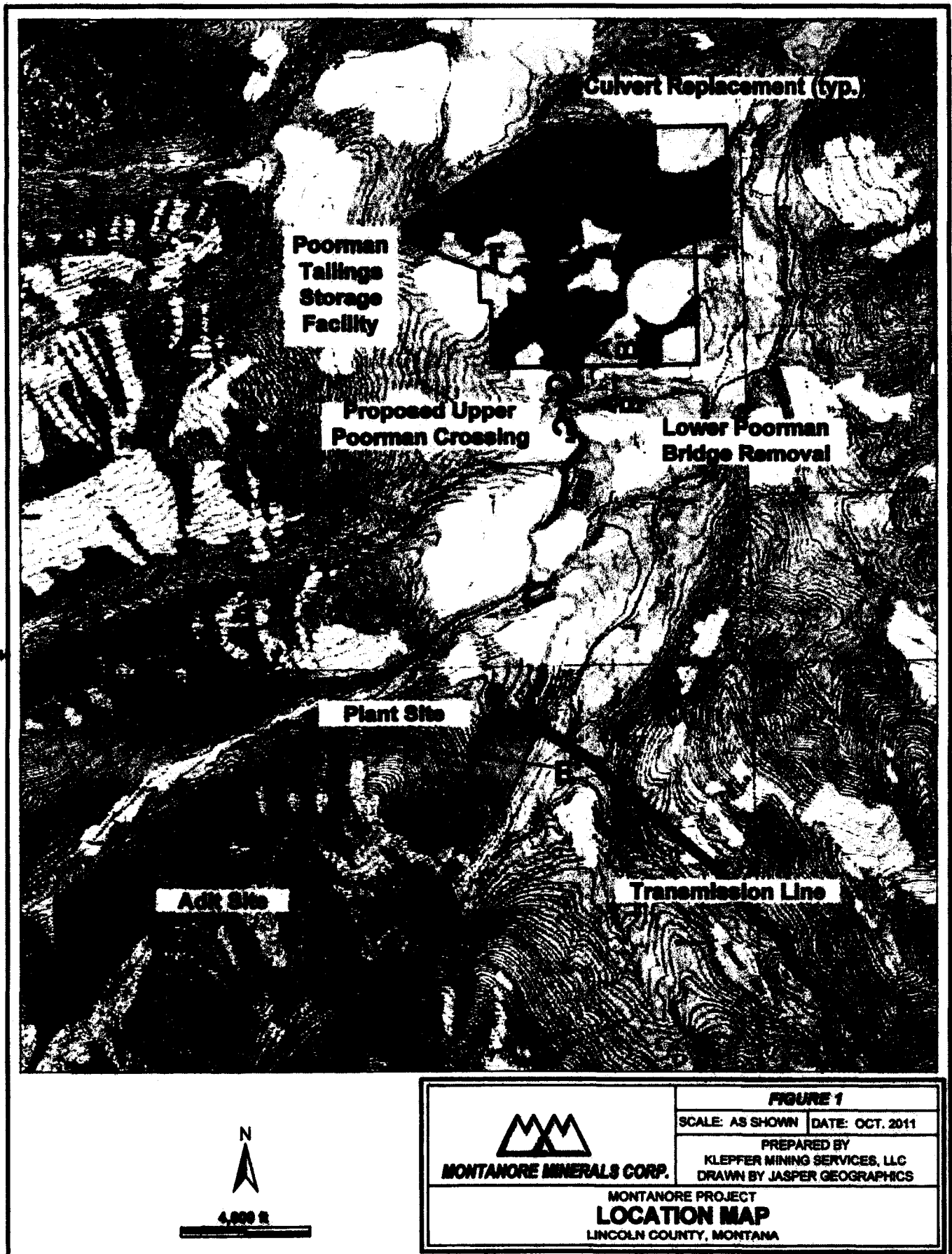


Figure 1. Mine Facilities and Permit Areas, Alternative 3



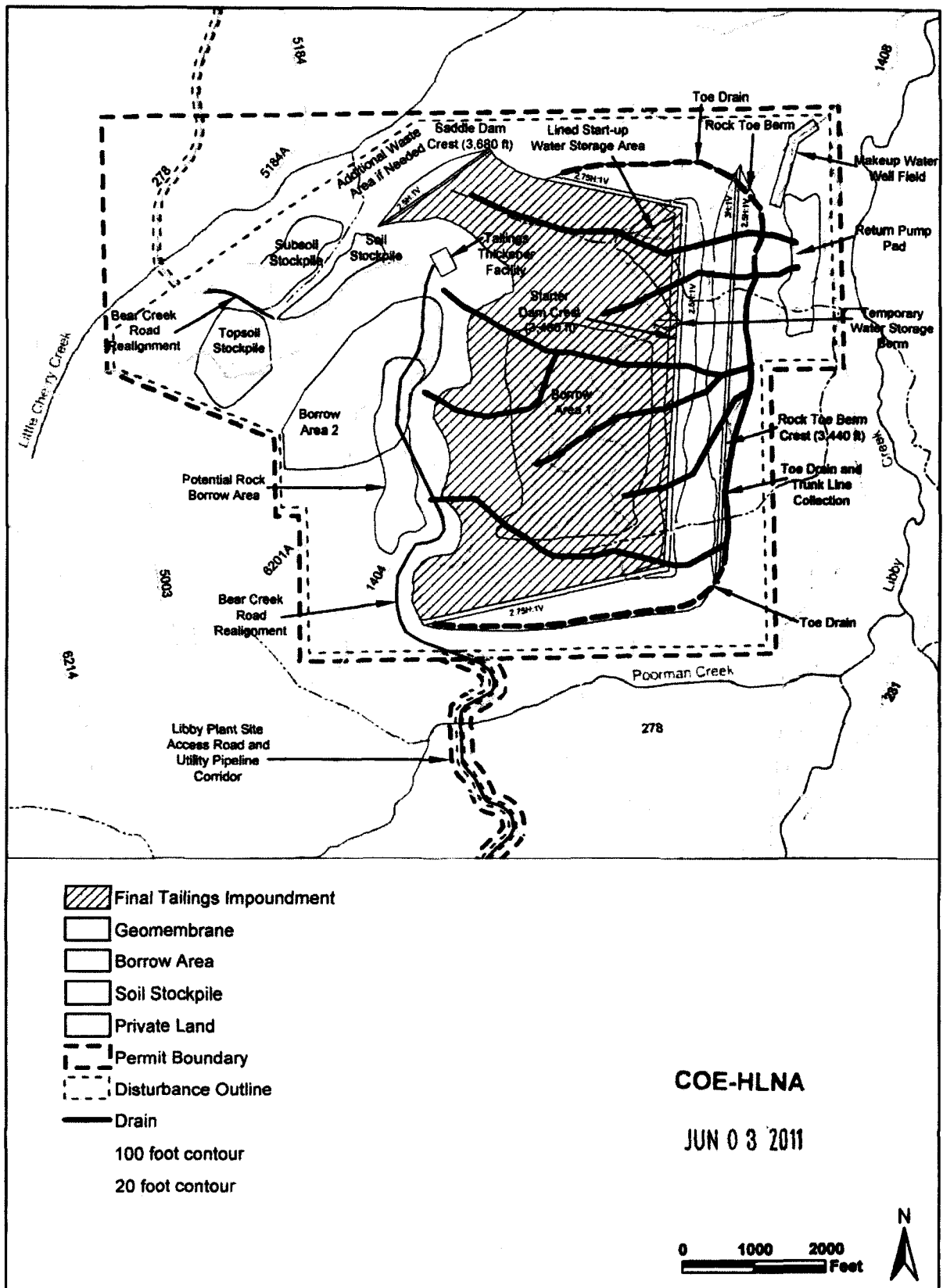
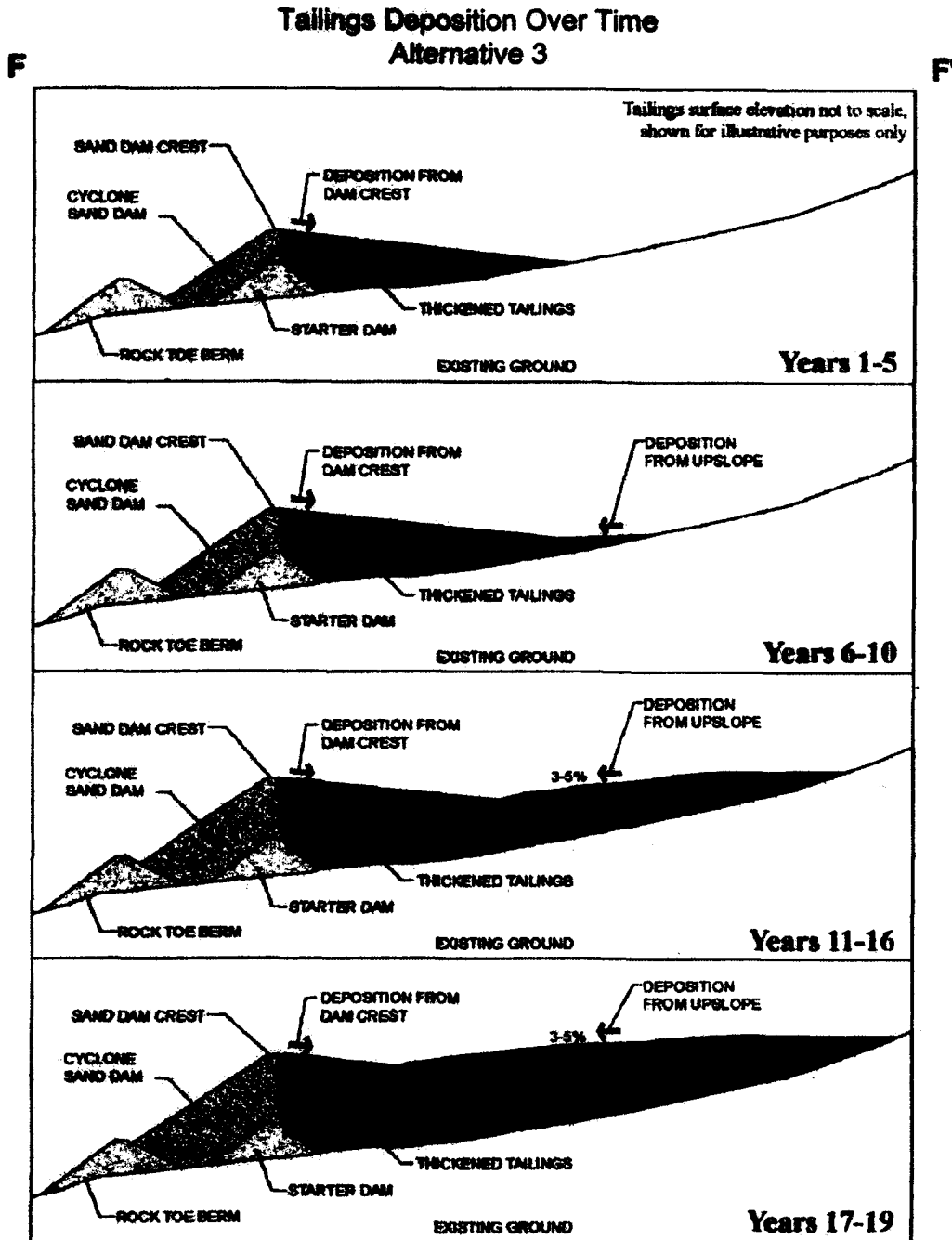
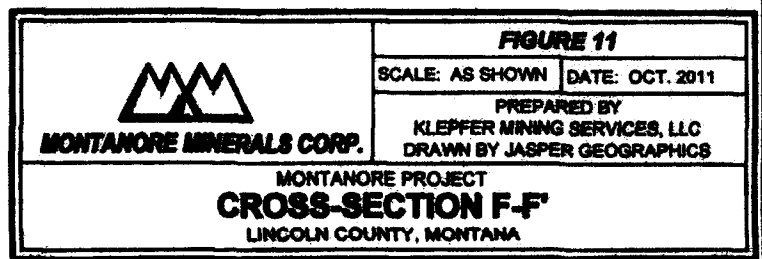
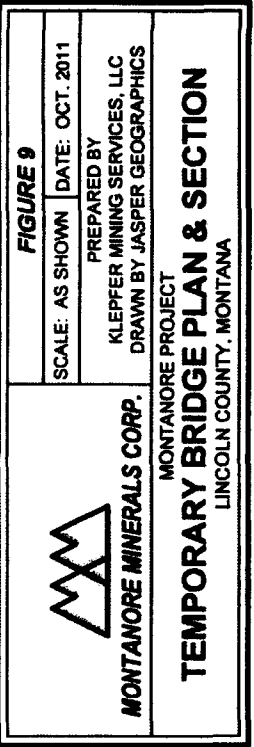
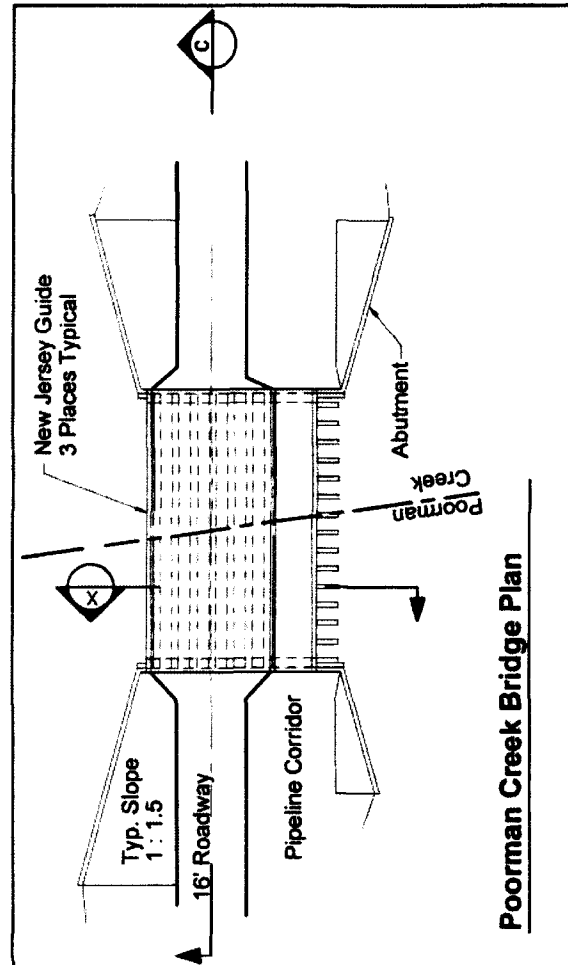
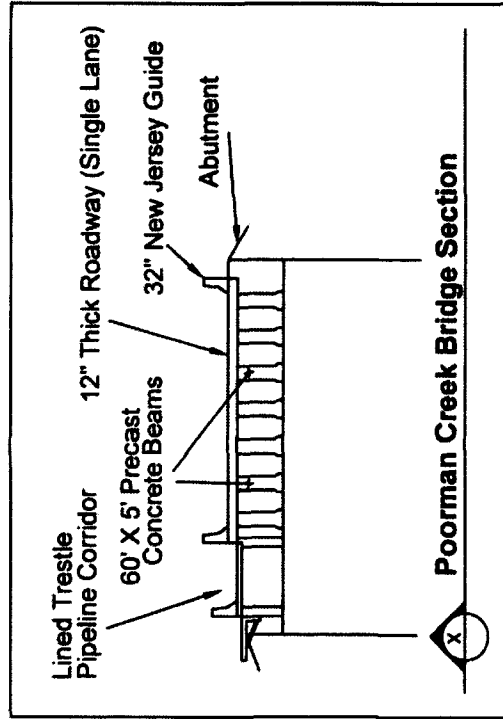
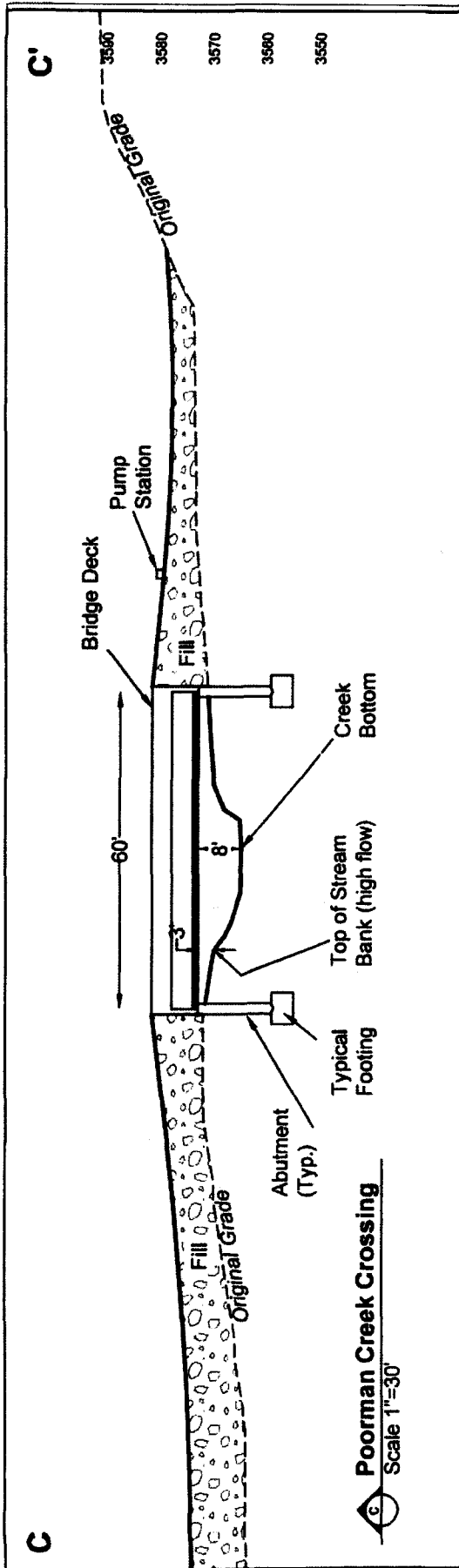


Figure 2. Poorman Tailings Impoundment, Alternative 3

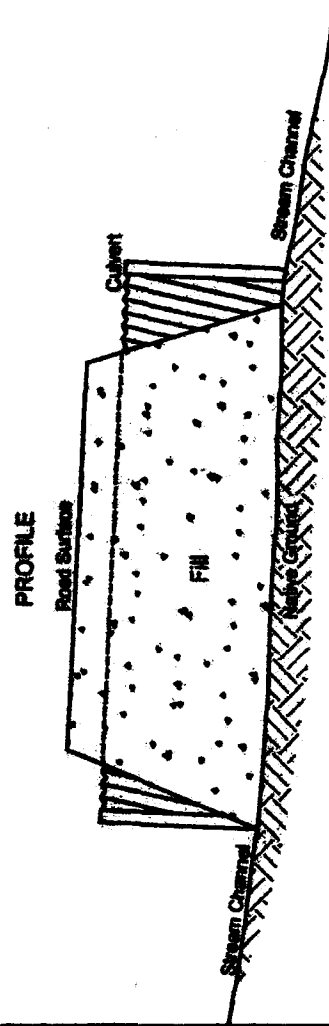
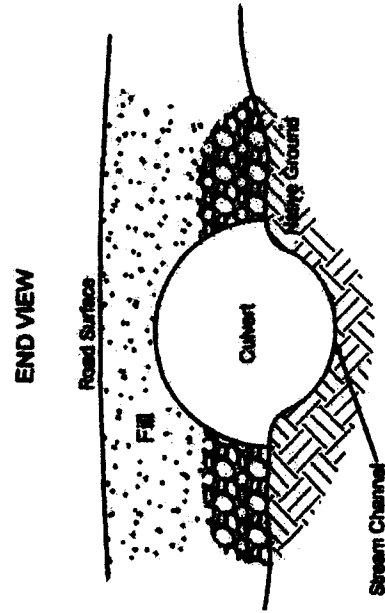


Modified after Figure 29, Draft EIS





Culvert Replacement with Arched Culverts



Design Criteria

- 1) Improve or create stream bed habitat (substrate)
- 2) Size culvert for flows and debris
- 3) Maintain proper stream depth for fish passage
- 4) Eliminate plunge situations

FIGURE 7

SCALE: AS SHOWN DATE: OCT. 2011

PREPARED BY

KLEPPER MINING SERVICES, LLC
DRAWN BY JASPER GEOGRAPHICS



MONTANORE MINERALS CORP.

MONTANORE PROJECT

TYPICAL CULVERT REPLACEMENT
LINCOLN COUNTY, MONTANA

View of adjacent wilderness area; Libby Adit (tunnel) site is in the foreground

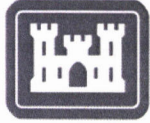


Typical stream channel area - will be covered by Tailing Storage Facility



Typical Wetland filled by Tailing Storage Facility - would be covered by 200 ft to 300 ft deep tailings.





**US Army Corps
of Engineers®**

Omaha District

PUBLIC NOTICE

Application No: NWO-2011-01063-MTH

Applicant: Montanore Minerals Corporation

Waterway: Un-named Streams and Wetlands

Issue Date: December 16, 2011

Expiration Date: February 14, 2012

60-DAY NOTICE

Helena Regulatory Office

10 West 15th Street, Suite 2200

Helena, Montana 59626

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application of Montanore Minerals Corporation (MMC) for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers (Corps), Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permittable under current laws and regulations.**

Description of Proposed Project: The applicant anticipates mining up to 120 million tons of ore to recover approximately 1,000,000,000 pounds of copper and 139,000,000 ounces of silver from underground deposits in northwestern Montana. MMC requests permission to develop an underground copper and silver mine and electric power transmission line within the Kootenai National Forest (KNF). MMC has applied for a Section 404 permit to place fill material in conjunction with construction of the mine and ancillary facilities. Specifically, the underground mine's ancillary surface facilities would result in the discharges of fill material into waters of the United States. The surface access, tailings storage facility (TSF), and road improvements are examples of surface facilities that would be located outside of the Cabinet Mountain Wilderness (CMW) area within the KNF. **Drawings showing the location and extent of the project are attached to this notice.**

The applicant's Section 404 permit application is for Alternative 3, the Agency Mitigated Poorman Impoundment Alternative as described in the 2011 Supplemental Draft Environmental Impact Statement (SDEIS). The electric power transmission line alternatives, which are Alternatives C, D, and E, were revised to avoid effects on private land. The preferred electric power transmission line alternative is Alternative D-R, the Miller Creek Alternative. **The 2011 SDEIS is available for viewing at the Kootenai National Forest and the Montana Department of Environmental Quality web sites (<http://www.fs.usda.gov/kootenai/> & <http://deq.mt.gov/eis.mcp#MontanoreSDEIS>).**

The project would consist of mine-related components of Alternative 3, including: the existing evaluation adit (the tunnel); an underground mine; a mill; three additional Libby adits and portals; a tailings storage facility (impoundment); access roads; an electric power transmission line; and a rail load-out facility. The mine would be developed in phases: the evaluation phase (years 1-2); construction phase (years 3-5); and operational phase (years 6-24). After completion of mining and operations (year 24), a closure phase of decommissioning and reclamation would occur.

The Poorman TSF would cover 608 acres. The primary (tailings) dam would eventually be 10,300 feet long and 360 feet high at its maximum dimensions. The applicant would discharge fill material for road construction and facilities within the Poorman TSF. The mine tailings would be transported from the mill through a pipeline to the Poorman TSF located between Little Cherry and Poorman Creeks. The TSF project site is designed to hold 120

million tons of mine tailings. The Poorman TSF berm, starter dam, and saddle dam would consist of 2.7, 1.7, and 0.73 million cubic yards of fill material, respectively. When all work is completed, the primary (tailings) dam and impounded tailings will remain as permanent features.

Fill material for road improvements would be discharged to aquatic areas to construct and widen Bear Creek Road 278 and Libby Creek Road 231. Thirteen miles of Bear Creek Road to the Poorman TSF site would be upgraded and paved to 26 feet. The existing 14-foot wide Bear Creek Bridge would be replaced and widened to 26 feet. A new bridge crossing Poorman Creek would be constructed upstream of the existing crossing.

Impacts: An estimated 11,949 linear feet of jurisdictional stream channel would be impacted by fill material at the Poorman TSF. Up to 12.2 acres of wetlands would be affected, but not all wetlands are regulated under the Federal Clean Water Act. Approximately 8.8 acres of jurisdictional (i.e., Federally regulated) wetlands would be filled. About 8.6 acres occur within the footprint of the Poorman TSF and will be filled, and 0.2 acre occurs along the Bear Creek Road between the Poorman TSF and U.S. 2. The remaining 3.4 acres of wetlands are not regulated under the Federal Clean Water Act.

Several non-wetland waters of the U.S. flow to Libby Creek. Six springs associated with wetlands and other waters of the U.S. occur in the Poorman TSF, and one spring is located south of the Libby Plant Site. Wetlands occur at road crossings on both Ramsey and Poorman Creeks. Roads not associated with the Poorman TSF would affect 0.2 acre of jurisdictional wetlands. The stream crossings Ramsey, Poorman, and Bear Creeks would be bridged and would not affect wetlands or other waters of the U.S. Discharges at the Poorman TSF, Libby Plant Site, and at stream crossings would fill 3.4 acres of isolated, non-jurisdictional wetlands. Several wetlands are located south of the Poorman TSF. These wetlands would not be filled by the tailings, but are within the disturbance area and would be filled by access roads or other project facilities. Indirect effects on wetlands, springs and seeps may occur during mine dewatering. Wetlands are found adjacent to a channel below the southeast section of the dam. The channel flows off of the site, onto private property. Three intermittent channels without wetlands are found below the dam. If these wetlands and other waters of the U.S. were not filled, the pump-back well system would reduce groundwater levels in the impoundment area and probably reduce or eliminate the hydrologic support for the wetlands. Flow in the intermittent channels would be eliminated. No springs or seeps are below the Poorman TSF.

Fill discharged into wetlands and other waters of the U.S. would eliminate populations of aquatic organisms within the Poorman TSF. Construction of stream crossings for transmission line access roads would require the discharge of small amounts of fill into aquatic habitat.

Indirect impacts are predicted to be: declining water levels from the Poorman TSF pump-back wells; reduced ground and surface water flows in channel segments (other waters of the U.S.), WUS-1, WUS-5, WUS-3, and WUS-14; decreased flow in upper Libby Creek above the Libby Adit during the Evaluation through Closure Phases; increased flow in Libby Creek below the Libby Adit during all phases except the Operations Phase; reduced flow in Ramsey Creek during the Construction through early Post-Closure Phases; reduced flow in Libby Creek when the pump-back wells are operating; reduced flows in lower Poorman Creek during Operations through the Post-Closure Phases; and alteration of the watershed area of Little Cherry Creek, which would increase by 644 acres (44%). As part of the final closure plan, the applicant would complete a hydraulic and hydrologic analysis of the proposed diversion channel based on the final mine plan and submit it to the lead agencies and the Corps for approval. The average annual flow in Libby Creek between Poorman Creek and Little Cherry Creek would decrease by 3 percent as result of the diversion of runoff to Little Cherry Creek. The project would also reduce stream flow in East Fork Rock Creek and East Fork Bull River during the Evaluation through early Post-Closure Phases. When groundwater levels reached steady state conditions in approximately 1,300 years the flows in upper East Fork Rock Creek above Rock Lake would remain permanently reduced. Mitigation would reduce post-mining effects to the East Fork Rock Creek and Rock Creek, and slightly reduce flow in the East Fork Bull River. Stream flow in East Fork Rock Creek and Rock Creek below the lake would return to pre-mine conditions or increase slightly.

Cumulatively, the proposed Montanore Mine and proposed Rock Creek Mine projects occurring concurrently would cumulatively reduce flows in the Rock Creek and East Fork Bull River watersheds, resulting in habitat loss downstream of Rock Lake and St. Paul Lake, including during the bull trout spawning period. Cumulative reductions in stream flow in Libby Creek, East Fork Rock Creek, Rock Creek, and East Fork Bull River during the various mining phases would decrease the amount of available aquatic habitat, and reduced flows may have effects

on water temperature or other habitat characteristics. Upper Libby Creek below the Libby Adit would have an increase in stream flow and would increase the amount of aquatic habitat. Increased concentrations of some metals, total dissolved solids, and nutrients as a result of permitted discharges during all phases except Operations would occur in the Libby Creek drainage.

Location: The proposed project is located in a mountainous area approximately 18 miles south of the community of Libby, Montana. Access to the mine would be via U.S. 2 and Bear Creek Road 278. The proposed project is located within USGS Hydrologic Unit Code 17010101 – Upper Kootenai River watershed, in numerous Sections of Township 28 North, Range 31 West, in Lincoln County, Montana.

Purpose: The purpose of the project is to mine copper and silver.

Background: In late 1980, Noranda Minerals proposed the Montanore Mine. In 1990, the Corps issued Noranda Minerals a Section 404 permit. Noranda eventually abandoned the project and ceased work at the Libby Creek Adit site. In 2002, mining interests were conveyed to MMC. The Section 404 permit was not conveyed. The Montana Department of Environmental Quality (MT DEQ) operating permit was not terminated, and in 2004 MMC approached the KNF with their plan for development of the Montanore Mine.

The KNF and the MT DEQ are responsible for preparation of the Environmental Impact Statement (EIS). The agencies neither support nor oppose the Montanore Mine project. The public and agencies commented on the 2009 Draft Environmental Impact Statement (DEIS), and in response to comments, the agencies produced the current SDEIS. Water quality and water quantity were the main issues addressed in the SDEIS. The KNF and the MT DEQ have, as part of the SDEIS, revised the agencies' alternatives for mine development and operation.

Mitigation: Avoidance, Minimization and Compensatory Mitigation: The Montanore Mine proposal continues to be reviewed under NEPA with the Corps participating as a Cooperating Agency. In 2009, the DEIS included an alternatives analysis that identified Alternative 4, the Mitigated Little Cherry Creek Impoundment Site (the Little Cherry Creek area) as the preferred disposal site for the mine tailings. Targeting additional avoidance and minimization of impacts to wetlands and other waters of the U.S., that 2009 alternatives analysis was subsequently revised; in the recently released SDEIS, Alternative 3, the Agency Mitigated Poorman Impoundment site (the Poorman Creek area) was identified as the preferred disposal site, further avoiding and minimizing adverse impacts to aquatic areas. In terms of avoidance of aquatic impacts, under Alternative 4 about 8,000 feet of Little Cherry Creek would be directly affected by fill; by contrast Alternative 3 would not affect such a large, named stream. Alternative 4 would impact about 36 acres of Section 404 jurisdictional wetlands and other waters of the U.S., while Alternative 3 impacts would be about 9 acres. In terms of total acres impacted (aquatic and non-aquatic), Alternative 4 would impact 2,254 acres and Alternative 3 would impact 2,011 acres.

The Poorman TSF would be designed to hold waste tailings and prevent them from entering the environment. Although the design is conceptual, the design would be based on future information obtained during the design process. Because the waste would be stored in perpetuity, the TSF would need to be constructed to permanently prevent leakage into the area's ground and surface water, preclude any type of catastrophic failure, and prevent any wind-blown dust from mobilizing. Because construction and operations are occurring over a number of years, the applicant has agreed to implement an adaptive management approach to adjust and improve the mine, facilities, and further avoid and minimize impacts.

The lower Libby Plant Site was selected because it would not affect wetlands or waters of the U.S., would avoid effects to riparian areas, would consolidate the disturbances associated with the adits and plant in the Libby Creek drainage, and would allow the creation of more core grizzly bear habitat.

Impacts to wetlands and other waters of the U.S. would occur by backhoes, excavators, and front-end loaders. The applicant has agreed to implement best management practices (BMPs) to minimize erosion and sediment release in the construction areas. BMPs would include diversion ditches, berms, silt fences, sediment traps/ponds, straw bales, and interim site reclamation.

As previously stated, the electric power transmission line alternative was revised to avoid effects on private land and is currently Alternative D-R, Miller Creek.

A Section 404(b)(1) Guidelines document was prepared by the applicant and provided to the Corps and includes measures of avoidance, minimization, and compensation. The applicant has committed to implementing additional avoidance and minimization measures during final project design.

The applicant has submitted a draft conceptual compensatory mitigation plan. The mitigation **plan** describes on-site and off-site compensatory mitigation for impacts to jurisdictional and non-jurisdictional wetlands and jurisdictional non-wetland waters of U.S. The proposed on-site and off-site mitigation includes: establishment of wetlands; enhancement and preservation of existing ecosystems (restoration of degraded wetlands); and mitigation for impacts to non-wetland stream channels. The mitigation plan focuses on establishment of wetlands and restoration of other wetlands at four on-site areas and one off-site area. Mitigation measures are proposed to offset adverse impacts to waters of the U.S. All compensatory mitigation is proposed within HUC 17010101 (Upper Kootenai River).

The Swamp Creek site is the primary wetland compensatory mitigation project proposed by the applicant. The site consists of 67 acres along U.S. Highway 2, approximately 15 miles southeast of Libby, Montana, and 4 miles east of the proposed mine site. Wetlands and other waters of the U.S. lost as a result of the project occur at the Poorman TSF, Libby Adit sites, Bear Creek Road, and road segments to the Libby Plant and Libby Adit sites.

Twelve stream enhancement or restoration projects and riparian planting along seven streams or channels are proposed as compensatory mitigation to replace the biogeochemical functions of the channels that would be impacted by the Poorman TSF. They include creating a channel from the reclaimed Poorman TSF to Little Cherry Creek, increase flow in Little Cherry Creek, reconfigure the Poorman TSF channel remnants, evaluate potential for habitat restoration or enhancement in Poorman Creek, replace culvert where Road 278 crosses Poorman Creek, remove bridge where Road 6212 crosses Poorman Creek, replace culvert where Road 6212 and Road 278 crosses Little Cherry Creek, stabilize Little Cherry Creek sediment sources, construct formidable wood structures in the Libby Creek floodplain, identify the source of elevated fish tissue metal concentrations in Bear Creek, install head-Gates in tributary channels to Swamp Creek, exclude livestock from the Swamp Creek property, plant riparian vegetation where beneficial along streams and channels in the project area, and include the Swamp Creek Site.

401 Water Quality Certification: The MT DEQ will review the proposed project for State water quality certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the project undertaken will not result in a violation of applicable water quality standards. Although water quality certification is a prerequisite for issuance of a permit, certification alone does not guarantee a Department of Army permit will be issued for the project under Section 404. A Section 404 permit will not be issued until water quality certification has been issued or waived by the MT DEQ. The MT DEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, will comply with the National Historic Preservation Act of 1966, as amended. We will evaluate input by Indian Tribes, the Montana State Historic Preservation Officer, and any interested parties in response to this public notice. The initial determination is that the project would not affect properties listed, or eligible for listing, on the National Register of Historic Places.

Threatened / Endangered Species: In compliance with the Endangered Species Act, the proposed project is being reviewed for impacts to federally listed threatened or endangered species and their critical habitat. The Kootenai National Forest has determined that the project may affect, and is likely to adversely affect, grizzly bears; may affect, and is likely to adversely affect Canada lynx; may affect, and is likely to adversely affect bull trout; and may affect, and is likely to adversely affect designated bull trout critical habitat. Endangered Species Act compliance would be through Section 7 consultation. The Kootenai National Forest submitted a biological assessment to the U.S. Fish and Wildlife Service that describes the potential effect on threatened and endangered species. After review of the biological assessment and consultation, the U.S. Fish and Wildlife Service will issue a biological opinion. That biological opinion has not been completed at the time of issuance of this Public Notice.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the Guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the District Engineer to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. **The request must be submitted in writing to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705.** If it is decided that additional information is required and that a public hearing will be held, interested parties will be notified of the date, time, and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. **All replies to the public notice should be addressed to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705.** Please reference Application Number NWO-2011-01063-MTH in all correspondence or inquiries. Mr. James L. Winters may be contacted for additional information, and can be reached by phone at (701) 220-6152 or (701) 250-4280, or by e-mail at montanore@usace.army.mil.

How to Provide Comments: Anyone whose interests may be affected by the proposal is invited to submit written comments to the U.S. Army Corps of Engineers, Omaha District, Helena Regulatory Office. Comments, both favorable and unfavorable, will be made a part of the record and will receive full consideration in subsequent actions on this application. Comments must be submitted in writing on or before the date on the front of this notice to be considered in subsequent actions on this application, or postmarked on or before the closing date. Comments may be submitted by mail to 10 West 15th Street, Suite 2200, Helena, Montana 59626-9705; by e-mail to montanore@usace.army.mil; or by fax to (406) 441-1380. Comments postmarked after the expiration date of this public notice, or received by fax or e-mail after the closing date, will not be considered. Comments left on voicemail system will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

Attachments: Location map; project impact maps; typical plan drawings; representative photographs of affected aquatic resources.

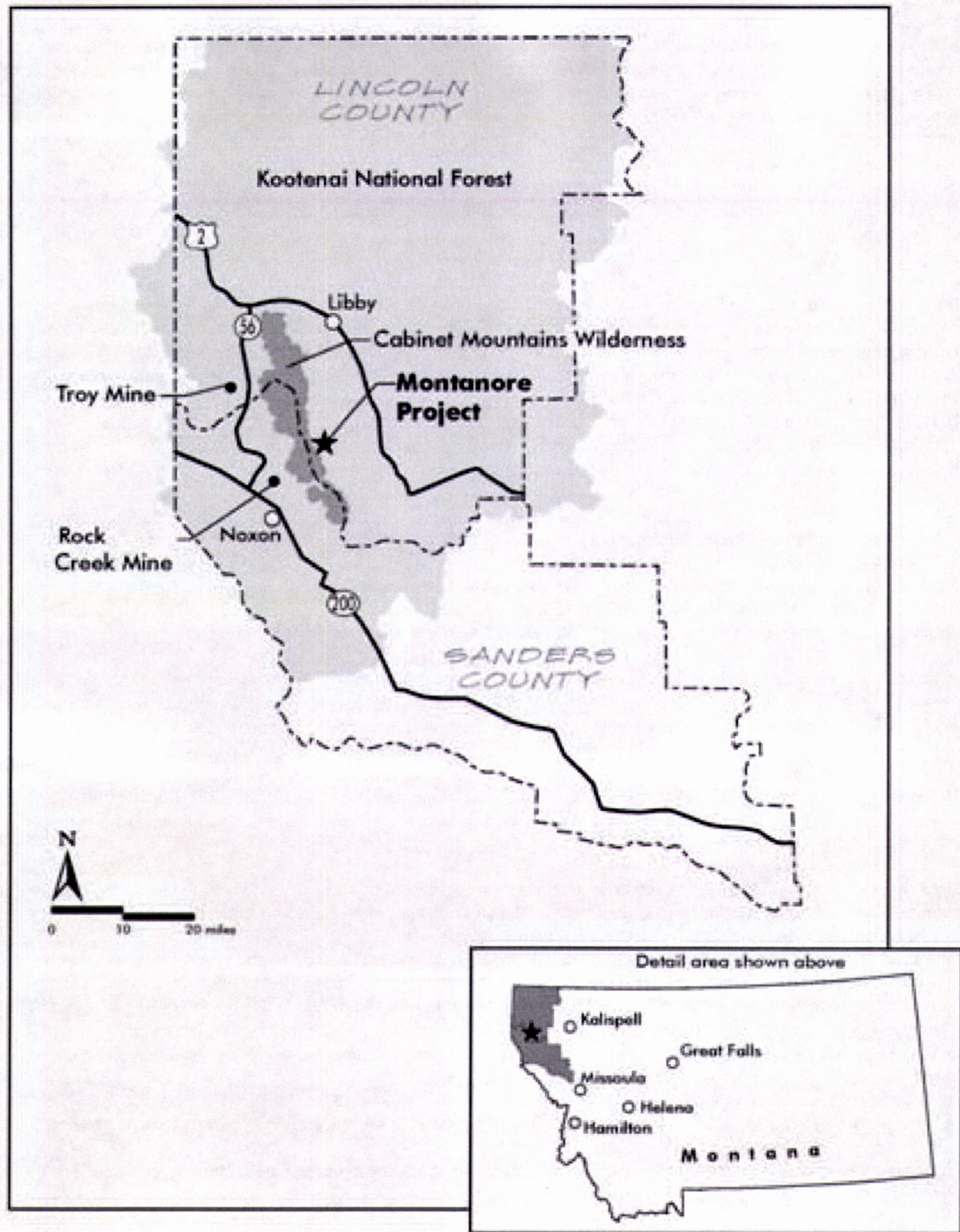
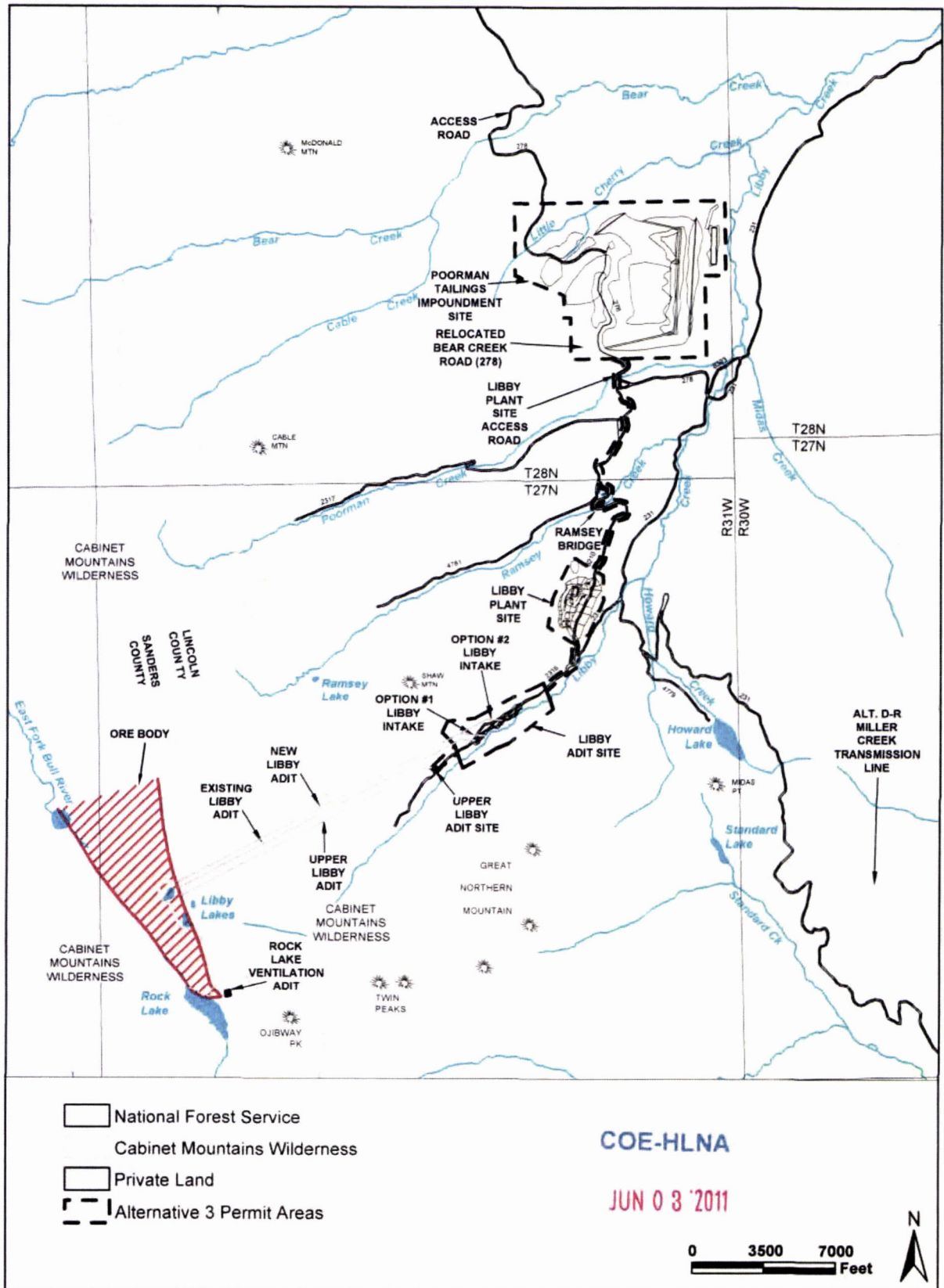
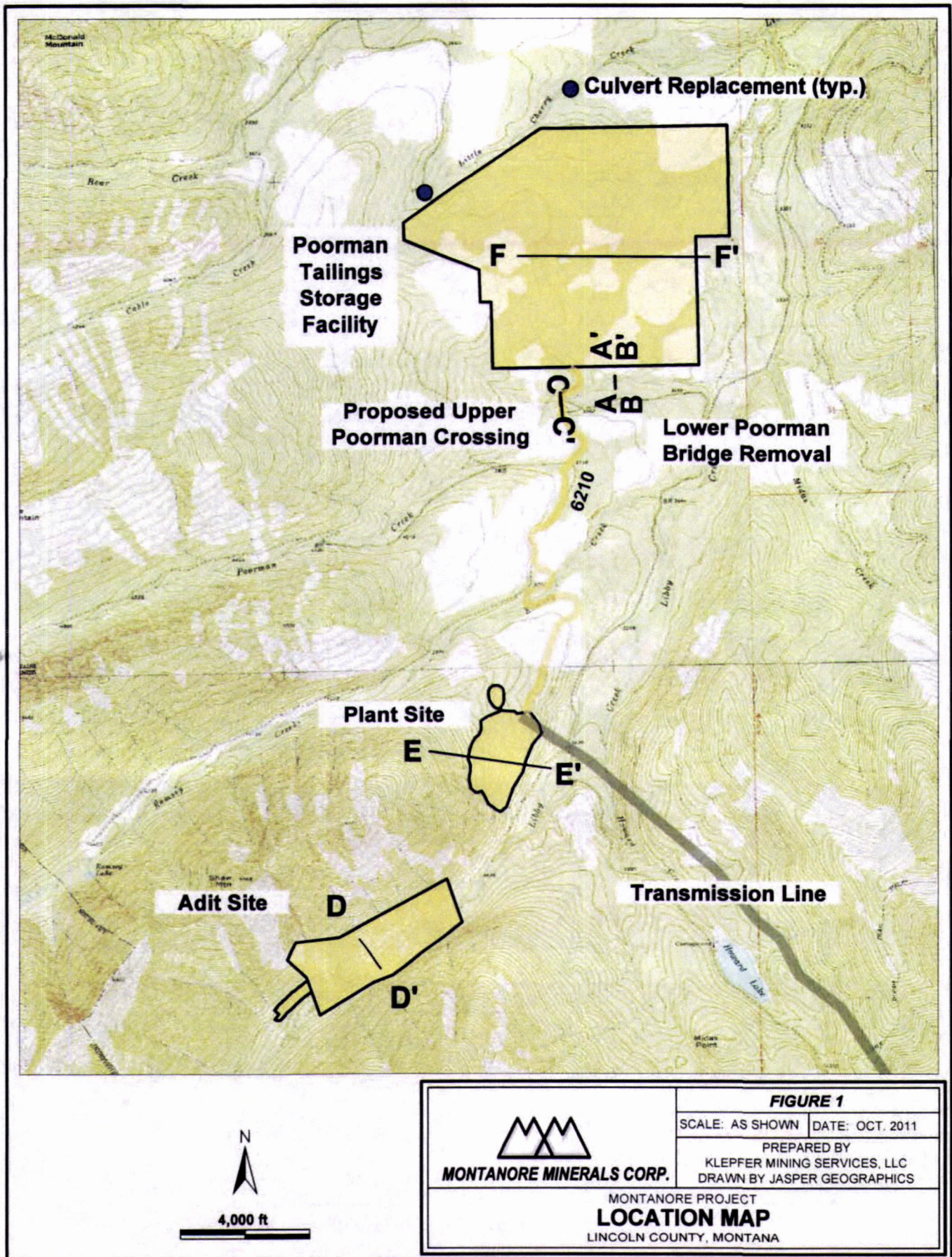


Figure 1. Location Map, Montanore Project, Kootenai National Forest.





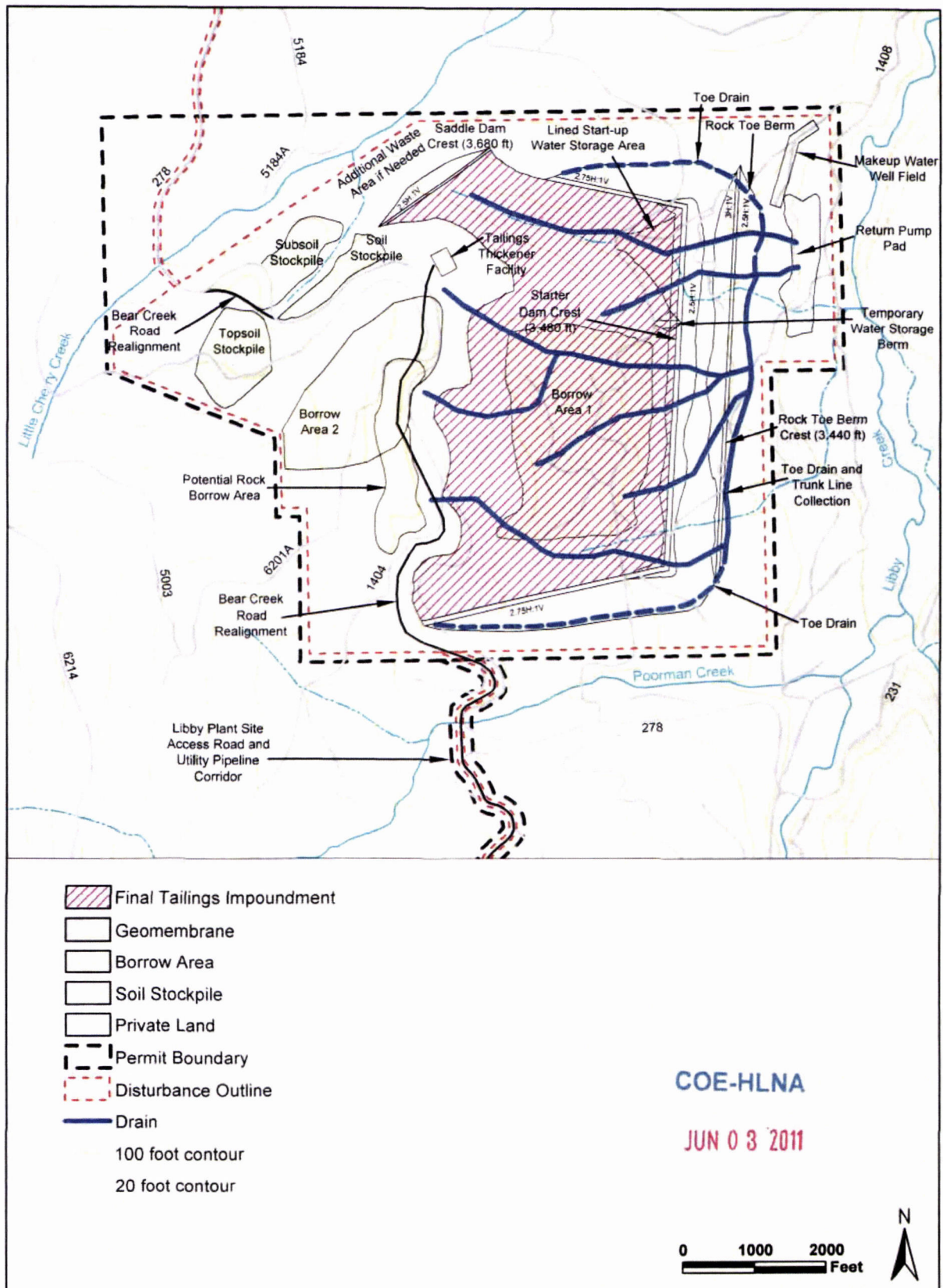
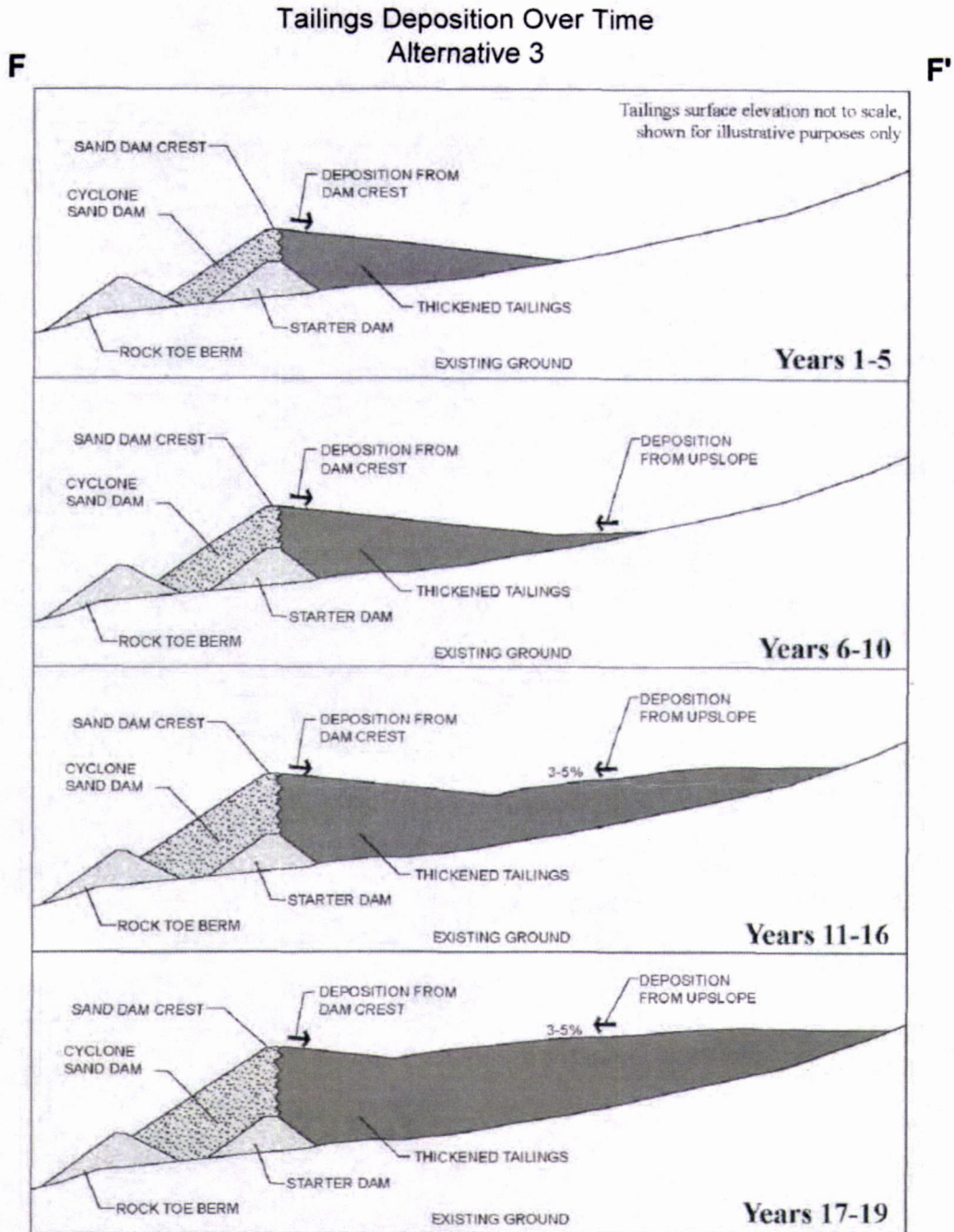
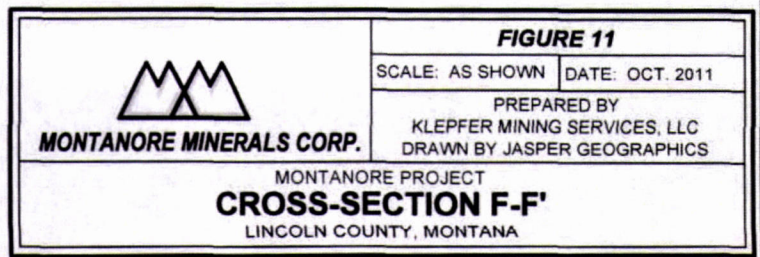


Figure 2. Poorman Tailings Impoundment, Alternative 3



Modified after Figure 29, Draft EIS



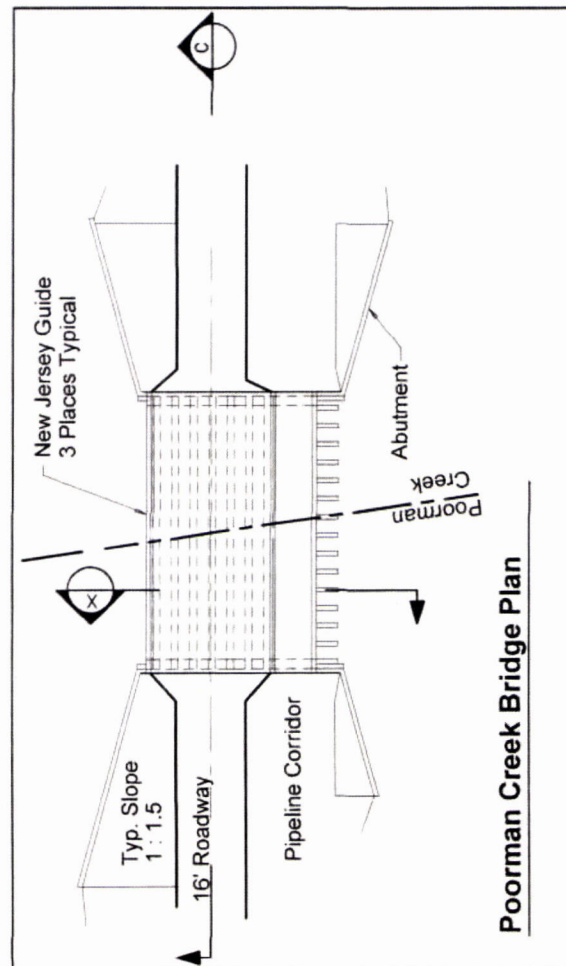
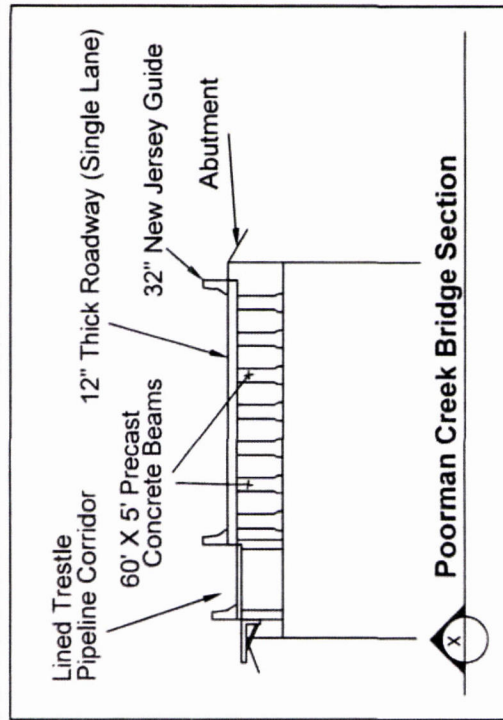
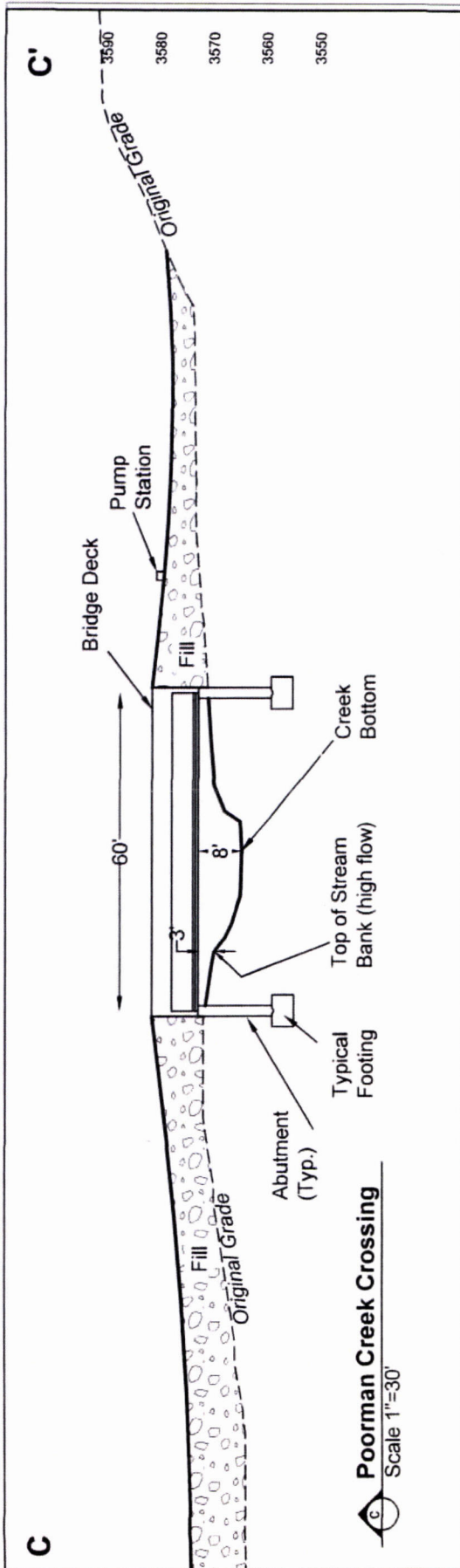


FIGURE 9

SCALE: AS SHOWN DATE: OCT. 2011

PREPARED BY
KLEPPER MINING SERVICES, LLC
DRAWN BY JASPER GEOGRAPHICS



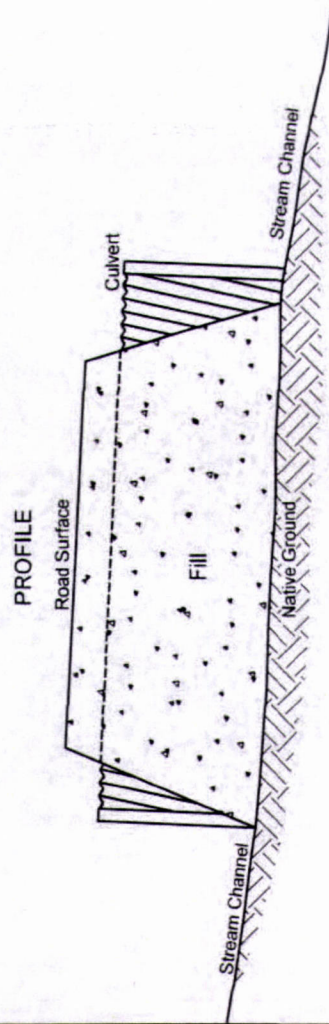
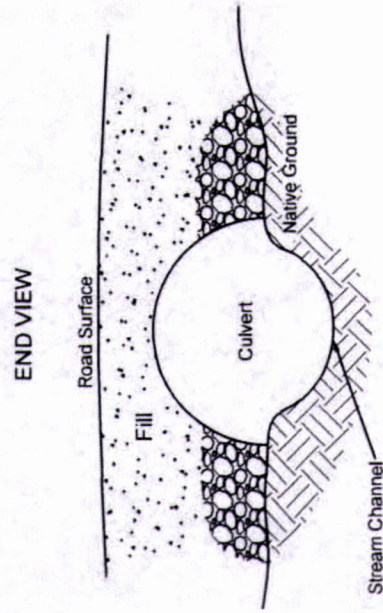
MONTANORE MINERALS CORP.

MONTANORE PROJECT

TEMPORARY BRIDGE PLAN & SECTION

LINCOLN COUNTY, MONTANA

Culvert Replacement with Arched Culverts



- Design Criteria**
- 1) Improve or create stream bed habitat (substrate)
 - 2) Size culvert for flows and debris
 - 3) Maintain proper stream depth for fish passage
 - 4) Eliminate plunge situations

FIGURE 7

SCALE: AS SHOWN DATE: OCT. 2011
 PREPARED BY
 KLEPPER MINING SERVICES, LLC
 DRAWN BY JASPER GEOGRAPHICS

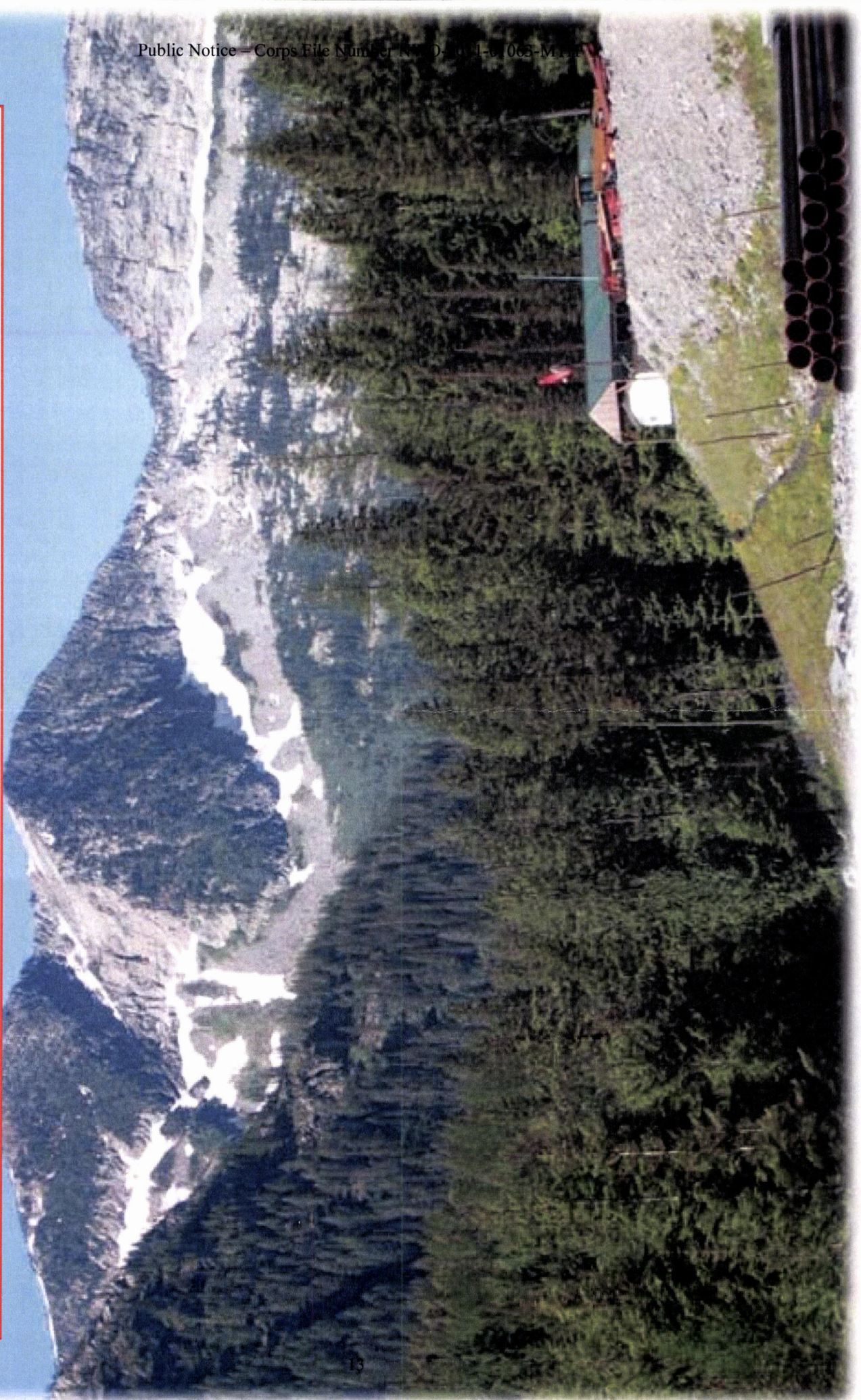


MONTANORE MINERALS CORP.

MONTANORE PROJECT

TYPICAL CULVERT REPLACEMENT
 LINCOLN COUNTY, MONTANA

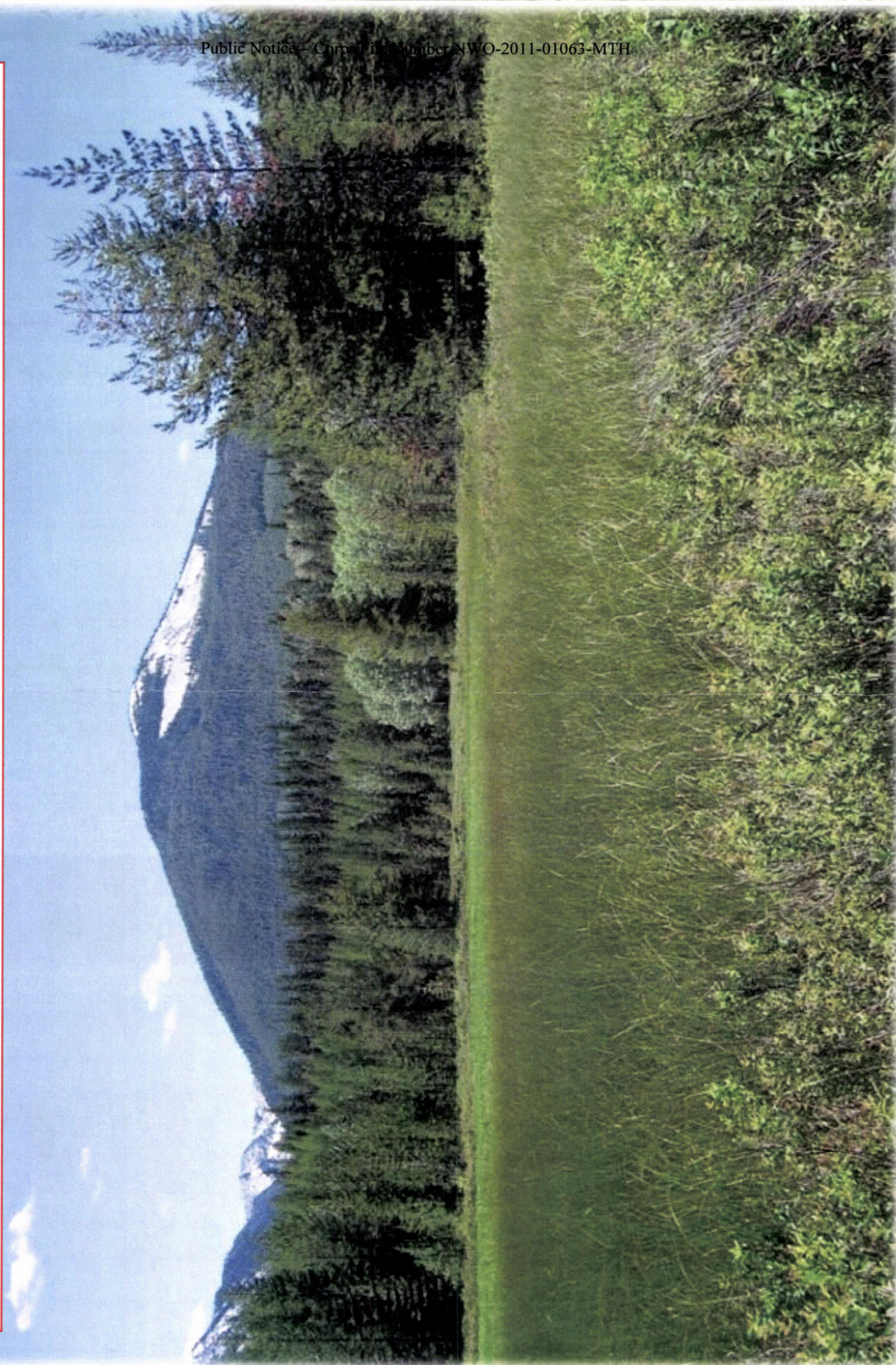
View of adjacent wilderness area; Libby Adit (tunnel) site is in the foreground



Typical stream channel area - will be covered by Tailing Storage Facility

06/11/2009 14:01

Typical Wetland filled by Tailing Storage Facility - would be covered by 200 ft to 300 ft deep tailings.





City of Helena

Community Development

306 N. Park Avenue

Helena, MT 59623

Telephone: (406)447-8490 Fax: (406)447-8445

E-mail: shaugen@ci.helena.mt.us

December 30, 2011

Re: Request for release of funds for Intermountain CDBG

To Whom It May Concern:

This notice is being submitted in accordance with the requirements under the Community Development Block Grant (CDBG) Program of the Montana Department of Commerce. The City of Helena has determined a FONSI (Finding of no Significant Impact) for the Intermountain children's cottages project.

Intermountain has been tentatively awarded a CDBG of \$450,000 from the Department of Commerce. This grant will involve construction of two cottage units for children, and remodeling of current buildings. A combination of CDBG, private, and loan funds will be used to finance the project. The new cottages will be located on the Intermountain campus located at 500 S. Lamborn Street Helena, Montana.

Attached please find an exhibit requesting the release of those funds from the Montana Department of Commerce. Please contact Sharon Haugen, Environmental Certifying Official, with any questions or to view the environmental review record.

Sincerely,

Sharon Haugen
Community Development Director
316 N. Park Ave.
Helena, MT 59623
(406)447-8445

EXHIBIT 2-Q

MONTANA DEPARTMENT OF COMMERCE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

REQUEST FOR RELEASE OF FUNDS (RROF)

(Pursuant to Section 104(h) of Title I of the Housing and
Community Development Act of 1974 as Amended)

ENVIRONMENTAL -- FOR ENVIRONMENTAL ASSESSMENT*

1. NAME OF GRANTEE	2. GRANT/CONTRACT NUMBER
City of Helena/Intermountain	Intermountain <u>MT-CDBG-11PF-03</u>
3. ADDRESS (Include Street, City, State, ZIP Code.)	4. REQUEST DATE
316 N. Park Avenue, Helena, MT, 59623	12/30/11

5. **REQUEST FOR RELEASE OF FUNDS.** Release of approved grant funds for the following project is requested.

PROJECT

Intermountain Children's Cottages

GRANTEE

City of Helena

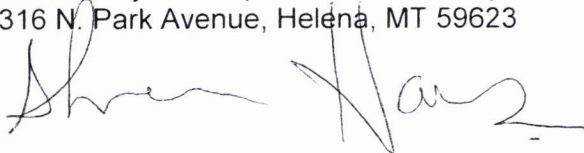
6. **CERTIFICATION.** With reference to the above project, I the undersigned officer of the applicant, certify:

- That the applicant has at least fifteen (15) days prior to submitting this request for release of funds and certification, published and disseminated, in the manner prescribed by 24 CFR 58.43 a notice to the public (a copy of which is attached) in accordance with 24 CFR 58.70);
- That the applicant has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project named above; that the applicant has complied with the National Environmental Policy Act of 1969; that the applicant has complied with environmental procedures, permit requirements and the statutory obligations of the laws cited in 25 CFR 58.5; and that the applicant has taken into account the environmental criteria, standards, permit requirements and other obligations applicable to the project under the other related laws and authorities cited in 24 CFR 58.5;
- That the level of environmental clearance carried out by the applicant in conjunction with this project [] did [X] did not require the preparation and dissemination of an environmental impact statement;
- That the dates upon which all statutory and regulatory time periods for review, comment, or other response or action in regard to this clearance began and ended as indicated below; applicant is in compliance with the requirements of 24 CFR Part 58;

	COMMENCE MO/DAY/YR	EXPIRE MO/DAY/YR
15-day Notice of No Significant Impact: Publication	12/7/11	12/27/11
15-day DOC Decision Period	12/30/11	1/16/12
Other (Specify)		

- That I am authorized to, and do, consent to assume the status of responsible federal officer under the National Environmental Policy Act of 1969 and each provision of the law specified in 24 CFR 58.5 insofar as the provisions of these laws apply to state and federal responsibilities for environmental review, decisionmaking and action assumed and carried out by the applicant; that by so consenting, I assume the responsibilities, where applicable, for the conduct of environmental review, decisionmaking, and action as to environmental issues, preparation and circulation of draft, final and supplemental environmental impact statements, and assumption of lead agency or cooperating agency responsibilities for preparation of such statements on behalf of State and Federal agencies, when these agencies consent to such assumption.
- That I am authorized to consent to, and do, accept on behalf of the applicant and personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my official capacity as certifying officer of the applicant.

Sharon Haugen
Community Development Director, City of Helena
316 N. Park Avenue, Helena, MT 59623



12/30/11

WARNING -- Section 1001 of Title 18 of the United States Code and Criminal Procedures shall apply to this certification. Title 18 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter with the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**COMBINED NOTICE
FINDING OF NO SIGNIFICANT IMPACT and
NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS
(FONSI/NOI/RROF)**

December 7, 2011
City of Helena
316 N. Park Avenue Room 445
Helena, MT 59623
(406) 447-8445

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before December 27, 2011 the above-named City of Helena will request the Montana Department of Commerce (DOC) to release Community Development Block Grant (CDBG) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383) for the following project:

Intermountain Children's Cottages

The project is to modernize the campus. That will include the construction of two new children's cottage units.

Helena, Lewis & Clark County, MT

Finding of No Significant Impact

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and accordingly the above named City of Helena has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for the decision not to prepare such Statement are as follows: After careful environmental review it has been determined that the project does not have any significant impact on the environment.

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the City of Helena. This Environmental Review Record is on file at the above address and is available for public examination and copying upon request between the hours of 8 a.m. and 5 p.m.

No further environmental review of such project is proposed to be conducted prior to the request for release of CDBG project funds.

Public Comments on Findings

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the City of Helena to the Community Development office at 316 N. Park Avenue, Helena MT 59623, (406)447-8445, or to shaugen@ci.helena.mt.us on or before December 27, 2011. All such comments so received will be considered and the City of Helena will not request release of funds or take any administrative action on the project prior to the date specified in the preceding sentence.

Release of Funds

The City of Helena will undertake the project described above with CDBG funds provided by DOC under Title I of the Housing and Community Development Act of 1974, as amended. The City of Helena is certifying to DOC that City of Helena and Sharon Haugen, in her official capacity as Environmental Certifying Officer consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, the City of Helena may use the CDBG funds and DOC will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections to State Release of Funds

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

- (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce;
- (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process;
- (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DOC; or
- (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to: Department of Commerce, Community Development Division, 301 S. Park Avenue, P.O. Box 200523, Helena, Montana 59620.

Objections to the release of funds on bases other than those stated above will not be considered by DOC. No objection received after January 16, 2012 will be considered by DOC.

Sharon Haugen
Environmental Certifying Officer 12/1/2011
316 N. Park Avenue
Helena, MT 59623
December 7, 2011



December 20, 2011

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Subject: Statewide Pavement Preservation Project
STPP 28-2(39)56
South of Red Lodge – S
Control Number: 7598 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provisions will be included in this project:

- PROTECTION OF AQUATIC RESOURCES
- ENVIRONMENTAL MITIGATION AND COORDINATION MEASURES FOR T&E SPECIES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provisions listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
Suzu Price	Contract Plans Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):

Montana Legislative Branch Environmental Quality Council (EQC)
Environmental Services File

HSB:tgg:S:\PROJECTS\BILLINGS\7000-7999\7598\7598ENPPCSPFHW01.doc

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS

(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project Number: STPP 28-2(39)56 Control No 7598000 Project Name: South of Red Lodge - S

Reference Post (Station): 56.4 To Reference Post (Station): 64.2

Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Mill and overlay

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)			
Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Unknown <u>Grizzly Bear, Canada Lynx, Wolverine</u>
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Unknown <u>No Effect, Limited Scope of Work within existing Right of Way.</u>
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See http://deg.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input type="checkbox"/>	
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deg/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deg.mt.gov/AirQuality/Planning/AirNonattainment.mcp) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L. Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Ryan Dahlke

Applicant

Project Design Engineer

Title

12/5/2011

Date

Approved by:

Environmental Services

ENVIRONMENTAL SERVICES
SECTION SUPERVISOR

Title

12/21/11

Click here to enter a date.

Date

Project Number: NH 61-1(15)7 Control No.: 7592000 Project Name: North of Roundup - N

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.

PROTECTION OF AQUATIC RESOURCES

Aquatic resources include, but are not limited to, wetlands, springs, streams (perennial, ephemeral, and intermittent drainages), rivers, lakes, ponds, reservoirs, irrigation systems, and associated riparian areas.

Impacts to aquatic resources are not anticipated in association with this project. MDT has NOT acquired any water quality permits or authorizations, including a Clean Water Act Section 404 permit (COE), a Stream Protection Act 124 (MFWP), or a 318 Authorization (DEQ). Therefore, impacts to any and all aquatic resources located adjacent to the project are not permitted. Avoid all equipment traffic, fill material, staging activities and other disturbances to aquatic resources.

In areas adjacent to any water body; including streams, irrigation ditches, wetland areas or in areas immediately adjacent to the highway susceptible to sediment transport conduct operations in a manner to avoid placement of materials in these areas.

Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor. The Contractor must secure the appropriate permits or authorizations prior to working in these areas. If complete avoidance of these areas is not possible, contact the Project Manager immediately and coordinate the permitting effort with the District Biologist at 444-7227 or the District Environmental Engineering Specialist at 657-0273.

ENVIRONMENTAL MITIGATION AND COORDINATION MEASURES FOR T&E SPECIES

A. Description. This project is located within grizzly bear habitat. Transient individuals may infrequently occur within the vicinity of the project throughout the construction season. To reduce the chance of bear-human conflicts and to minimize impacts to this T&E species, adhere to the following requirements:

1. Keep all areas in a neat condition; promptly clean up any project related spills, litter, garbage, etc.

Keep all food and food related items inside a closed, hard-sided vehicle or special bear resistant container (see Note below) except when preparing or eating food.

Store petroleum products, antifreeze, and personal items such as deodorants, toothpaste, soap and lotions in the same manner as food, as these products may attract bears.

Deposit garbage and waste items in grizzly bear-resistant containers. Remove the accumulated garbage and waste from the project site daily and dispose of in accordance with all Tribal, Federal, State and local laws, regulations and ordinances.

No overnight camping is allowed within the project vicinity, except in designated campgrounds, by any crew member or other personnel associated with this project.

Note: A bear-resistant container is a securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than 6.35 mm (¼ inch), that would allow a bear to gain entry by biting or pulling with its claws.

Promptly notify the Project Manager of any road killed game animals found in the vicinity of the project. The Project Manager will arrange to have the animals picked-up and disposed of properly.

Promptly notify the Project Manager of any grizzly bears observed in the vicinity of the project, or contact Environmental Services District Biologist at 444-7227 or 444-7228.

B. Basis of Payment. Consider all costs associated with this provision incidental to performance of the work. Include the cost in the cost of other items.



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Timothy W. Reardon, Director
Brian Schweitzer, Governor

December 20, 2011

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Subject: Statewide Pavement Preservation Project
NH 61-1(15)7
North of Roundup - N
Control Number: 7592 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provision will be included in this project:

- PROTECTION OF AQUATIC RESOURCES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provision listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
Suzy Price	Contract Plans Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):

Montana Legislative Branch Environmental Quality Council (EQC)
Environmental Services File

HSB:tgg:S:\PROJECTS\BILLINGS\7000-7999\7592\7592ENPPCSPFHWAO1.doc

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS

(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project Number: NH 61-1(15)7 Control No 7592000 Project Name: North of Roundup - N

Reference Post (Station): 7.08 To Reference Post (Station): 13.08

Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Mill and overlay

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)

Impact Questions	[Y/N] There are Potential Impacts, or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Unknown <i>Greater Sage Grouse (candidate species)</i>
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Unknown <i>No effect, limited scope of work within existing R/W prism</i>
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See http://deg.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp.x). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input type="checkbox"/>	
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deg/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deg.mt.gov/AirQuality/Planning/AirNonattainment.mcp.x) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Ryan Dahlke
Applicant

Project Design Engineer
Title

11/30/2011
Date

Approved by:

Blaise Bruner
Environmental Services

ENVIRONMENTAL ENGINEERING
SECTION SUPERVISOR
Title

12/21/11
Click here to enter a date.
Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.

PROTECTION OF AQUATIC RESOURCES

Aquatic resources include, but are not limited to, wetlands, springs, streams (perennial, ephemeral, and intermittent drainages), rivers, lakes, ponds, reservoirs, irrigation systems, and associated riparian areas.

Impacts to aquatic resources are not anticipated in association with this project. MDT has NOT acquired any water quality permits or authorizations, including a Clean Water Act Section 404 permit (COE), a Stream Protection Act 124 (MFWP), or a 318 Authorization (DEQ). Therefore, impacts to any and all aquatic resources located adjacent to the project are not permitted. Avoid all equipment traffic, fill material, staging activities and other disturbances to aquatic resources.

In areas adjacent to any water body; including streams, irrigation ditches, wetland areas or in areas immediately adjacent to the highway susceptible to sediment transport conduct operations in a manner to avoid placement of materials in these areas.

Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor. The Contractor must secure the appropriate permits or authorizations prior to working in these areas. If complete avoidance of these areas is not possible, contact the Project Manager immediately and coordinate the permitting effort with the District Biologist at 444-7227 or the District Environmental Engineering Specialist at 657-0273.

-



December 20, 2011

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Subject: Statewide Pavement Preservation Project
NH 57-2(27)34
Stanford – East and West
Control Number: 7597 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provision will be included in this project:

- PROTECTION OF AQUATIC RESOURCES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provision listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
Suzy Price	Contract Plans Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):

Montana Legislative Branch Environmental Quality Council (EQC)
Environmental Services File

HSB:tgg:S:\PROJECTS\BILLINGS\7000-7999\7597\7597ENPPCSPFHWAO1.doc

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS

(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project Number: NH 57-2(27)34 Control No 7597000 Project Name: Stanford – East & West

Reference Post (Station): 34.4 To Reference Post (Station): 47.3

Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Mill and overlay

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)

Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Unknown
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Unknown
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See http://deq.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp.x). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input type="checkbox"/>	
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deq/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcp.x) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L. Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Ryan Dahlke

Applicant

Project Design Engineer

Title

12/1/2011

Date

Approved by:

Environmental Services

ENVIRONMENTAL ENGINEERING
SECTION SUPERVISOR

Title

12/21/11
Click here to enter a date.
Date

PROTECTION OF AQUATIC RESOURCES

Aquatic resources include, but are not limited to, wetlands, springs, streams (perennial, ephemeral, and intermittent drainages), rivers, lakes, ponds, reservoirs, irrigation systems, and associated riparian areas.

Impacts to aquatic resources are not anticipated in association with this project. MDT has NOT acquired any water quality permits or authorizations, including a Clean Water Act Section 404 permit (COE), a Stream Protection Act 124 (MFWP), or a 318 Authorization (DEQ). Therefore, impacts to any and all aquatic resources located adjacent to the project are not permitted. Avoid all equipment traffic, fill material, staging activities and other disturbances to aquatic resources.

In areas adjacent to any water body including streams, irrigation ditches, and wetland areas; conduct operations in a manner to avoid placement of materials in these areas.

Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor. The Contractor must secure the appropriate permits or authorizations prior to working in these areas. If complete avoidance of these areas is not possible, contact the Project Manager immediately and coordinate the permitting effort with the District Biologist at 444-7227 or the District Environmental Engineering Specialist at 657-0273.



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Timothy W. Reardon, Director
Brian Schweitzer, Governor

December 20, 2011

Alan Woodmansey
Operations Engineer
Federal Highway Administration
585 Shepard Way
Helena, MT 59601-9785

Subject: Statewide Pavement Preservation Project
IM 90-9(113)503
Dunmore-East
Control Number: 7588 000

Dear Alan Woodmansey,

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project.

The following special provisions will be included in this project:

- PROTECTION OF AQUATIC RESOURCES
- ENVIRONMENTAL CONSERVATION & COORDINATION MEASURES

For your information, I have attached a copy of the PFR/SOW, the signed Environmental Checklist, and the special provisions listed above. If you have questions or concerns, please contact Tom Gocksch at 444-9412. He will be happy to assist you.

Sincerely,

Heidy Bruner, P.E.
Engineering Section Supervisor
Environmental Services Bureau

e-copy (w/ all attach):

Stefan Streeter, P.E.	Billings District Administrator
Paul R. Ferry, P.E.	Highway Engineer
Tom S. Martin, P.E.	Chief, Environmental Services Bureau
Heidy Bruner, P.E.	Environmental Services Bureau Engr. Section Supervisor
Kevin Christensen, PE	Construction Engineer
Suzy Price	Contract Plans Bureau Chief
Dawn Stratton	Fiscal Programming Section
Alyce Fisher	Fiscal Programming Section
Tom Gocksch, PE	Environmental Services

Hard copy (w/ checklist):

Montana Legislative Branch Environmental Quality Council (EQC)
Environmental Services File

HSB:tgg:S:\PROJECTS\BILLINGS\7000-7999\7588\7588ENPPCSPFHWAO1.DOC

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS
(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

UPN: 75880000 ID: IM 90-9(113)503 Project Name: Dunmore-East

Reference Post (Station) 502.92 to Reference Post (Station) 508.70

Applicant's Name: Montana Department of Transportation Address: PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Mill/Fill

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)

Impact Questions		[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s)		
		Yes	No	Comment (Use attachments if necessary)
1.	Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a.	Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Unknown
2b.	Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Unknown
3.	Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a.	If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
3b.	Is the proposed project within an MS4 Permit Area? (See http://deq.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.	Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a.	If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
4b.	If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
5.	Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deq/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.	Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6a.	Are any Tribal water permits required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> N/A
7.	Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcp) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U L Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Rod Nelson
Applicant

Project Design Engineer

12/12/2011

Date

Approved by:

Environmental Services

Title

12/21/11
Click here to enter a date.

Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.

PROTECTION OF AQUATIC RESOURCES

Aquatic resources include, but are not limited to, wetlands, springs, streams (perennial, ephemeral, and intermittent drainages), rivers, lakes, ponds, reservoirs, irrigation systems, and associated riparian areas.

Impacts to aquatic resources are not anticipated in association with this project. MDT has NOT acquired any water quality permits or authorizations, including a Clean Water Act Section 404 permit (COE), a Stream Protection Act 124 (MFWP), or a 318 Authorization (DEQ). Therefore, impacts to any and all aquatic resources located adjacent to the project are not permitted. Avoid all equipment traffic, fill material, staging activities and other disturbances to aquatic resources.

In areas adjacent to any water body; including streams, irrigation ditches, wetland areas or in areas immediately adjacent to the highway susceptible to sediment transport conduct operations in a manner to avoid placement of materials in these areas.

Any impacts to these areas and associated consequences, without the proper permitting, are the responsibility of the Contractor. The Contractor must secure the appropriate permits or authorizations prior to working in these areas. If complete avoidance of these areas is not possible, contact the Project Manager immediately and coordinate the permitting effort with the District Biologist at 444-7227 or the District Environmental Engineering Specialist at 657-0273.

1. ENVIRONMENTAL CONSERVATION & COORDINATION MEASURES

Description. This provision specifies requirements to avoid impacts to black-tailed prairie dogs, which are designated as a Montana species of concern.

General. There is an active black-tailed prairie dog colonies located along the project corridor.

A. Construction Requirements to protect black-tailed prairie dogs. Do not conduct any construction, staging or borrow site activities within the following location:

Outside of the existing Right-Of-Way in:

Section 23 of T2S, R34E

Basis of Payment. Consider all costs associated with this provision incidental to performance of the work. Include the cost in the cost of other items.



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-12-01

January 9, 2012

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a draft permit for the facility listed below. Copies of the draft permit, fact sheet, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT: City of Livingston

FACILITY NAME: City of Livingston Wastewater Treatment Plant

FACILITY LOCATION: 316 Bennett Street, Park County

RECEIVING WATER: Yellowstone River

PERMIT NUMBER: MT0020435

The city is working with the Department to meet *Escherichia coli* (*E. coli*) effluent limits in the permit under an Administrative Order on Consent (AOC) Docket No. WQ-10-07. To meet *E. coli* effluent limits, the existing ultraviolet (UV) disinfection system requires supplemental chlorine addition. Supplemental chlorine addition is required because rotating biological contactor units sloughs off large clumps of bacterial particles that interfere with the UV disinfection system. As a result, the facility cannot meet the *E. coli* effluent limits in the permit. To meet *E. coli* effluent limits, the city will install chlorination and dechlorination systems.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in

the lawsuit Friends of the Wild Swan v. U.S. EPA, et al., CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because it is not a new permit and the renewed permit will reduce the pollutant load to the Yellowstone River.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS February 8, 2012. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS February 8, 2012 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Noelle Uncles or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

PUBLIC NOTICE NO. MT-12-01
January 12, 2012



January 5, 2012

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Brian Schweitzer, Governor

Brian Hasselbach
Federal Highway Administration (FHWA)
585 Shepard Way
Helena MT 59602

Subject: Statewide Programmatic Categorical Exclusion for Pavement Preservation Project
Bell Crossing – N & S
STPS 269-1(36)12
Control Number: 7628000

Dear Brian Hasselbach:

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project. For your information, I have attached a copy of the PFR/SOW (including the location map) and the signed Environmental Checklist. Environmental-related Special Provisions will be included in the contract plans.

If you have questions or concerns, please contact Susan Kilcrease at 523.5842 or me at 444.7203. We will be pleased to assist you.

Sincerely,

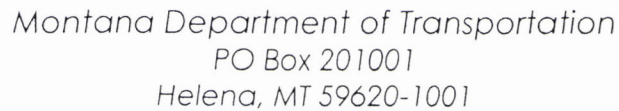
Heidy Bruner, P.E.
Environmental Services Bureau Engineering Section Supervisor

Attachments: PFR/SOW Report, Environmental Checklist

Enclosure

e-copies w/checklist encl.:

Ed Toavs, Missoula District Administrator
Tom Martin, P.E., Environmental Service Bureau Chief
Heidy Bruner, P.E., ESB Engineering Section Supervisor
Paul Ferry, P.E., Highways Engineer
Kevin Christensen, P.E., Construction Engineer
Suzy Price, Contract Plans Bureau Chief
Dawn Stratton, Fiscal Programming
Alyce Fisher, Fiscal Programming
Susan Kilcrease, Missoula District Project Development Engineer
Ben Nunnallee, P.E., Project Design Manager
Montana Legislative Branch Environmental Quality Council
File



Environmental Services					
Act	Info	Champ	Date 1-3	Attach	Initial
			Routing		
			Bureau Chief		
			Engineering Supervisor		
			Resources Supervisor		
			Haz Waste Supervisor		
			ECCP Supervisor		
/	/	/	<i>Kusan</i>		
/	/	/	<i>Park</i>		
/	/	/	<i>Ton</i>		
/	/	/	<i>Doug</i>		

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS

(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project Number: STPS 269-1(36)12 **Control No** 7628000 **Project Name:** Bell Crossing – N & S

Reference Post (Station): RP 12.2 (581+61.38) **To Reference Post (Station):** RP 17.2 (160+38.10)

Applicant's Name: Montana Department of Transportation **Address:** PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Microsurfacing

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)			
Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Bull Trout
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Unknown
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See http://deq.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp.x). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deq/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcp.x) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Ben Nunnallee

Applicant

Project Design Engineer

Title

12/19/2011

Date

Approved by:

Environmental Services

Title

1/5/12
Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

MASTER FILE
COPY

Memorandum

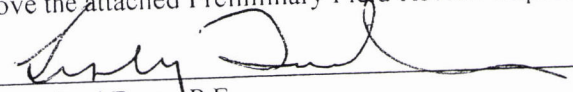
To: Paul Ferry, P.E.
Highways Engineer

From: Ben Nunnallee, P.E.
Missoula District Preconstruction Engineer (Acting)

Date: December 19, 2011

Subject: STPS 269-1(36)12
Bell Crossing – N&S
UPN 7628000
Work Type 183 – Resurfacing - Seal and Cover

Please approve the attached Preliminary Field Review Report/Scope of Work Report.

Approved  Date Dec. 19, 2011
For Paul Ferry, P.E.
Highways Engineer

The same report is also being distributed under a separate cover as a Scope of Work Report for comments and approval recommendations.

cc (w/attach.):
Damian Krings, Road Design Engineer

Preliminary Field Review/Scope of Work Report

UPN 7628000, STPS 269-1(36)12, Bell Crossing – N & S
Project Manager: Ben Nunnallee, P.E.

Page 1 of 6

Introduction

An onsite field review was held on November 21, 2011. The following people attended:

Ben Nunnallee – Missoula District Projects Engineer
Sandy Dorsett – Missoula District Design Supervisor
Dan Hill – MDT Surfacing Design
Joe Leary – Missoula District Road Design

Proposed Scope of Work

The proposed project has been nominated to preserve the asphalt pavement and to extend the service life of the roadway. Microsurfacing is proposed for this project. Replacement of the signing and pavement markings will also be included.

Purpose and Need

The purpose of this project is to maintain the existing pavement to extend the service life of the existing asphalt surfacing. This section of highway is due for pavement resurfacing before the deterioration of the pavement begins to accelerate.

Project Location and Limits

This project is located in Ravalli County on S-269, beginning just north of Birch Creek Road. The project begins at Reference Post (RP) 12.2±, English Station 581+61.38, on As-Built plans FAS 4-C(1). The project extends northerly 5.0 miles to RP 17.2±, south of Higgins Lane, at English Station 160+38.10, on As-Built plans FAS 4-B(1). This segment of road is located in Township 8 N, Range 20 W (Sections 33, 28, 21, 22, 16, 15 and 10).

S-269 is on the Secondary Highway System and is functionally classified as a Major Collector (Rural). See the attached location map.

Work Zone Safety and Mobility

At this time, Level 2 construction zone impacts are anticipated for this project as defined in the Work Zone Safety and Mobility (WZSM) guidance. The plans package will include a Transportation Management Plan (TMP) consisting of a Traffic Control Plan (TCP). A limited Public Information (PI) component to address public notification will also be included. These issues are discussed in more detail under the Traffic Control and Public Involvement sections.

Physical Characteristics

The existing terrain within the project limits is level, in a rural setting. Public, private, and farm field approaches are located throughout the project length.

The roadway from 12.2 (English Station 581+61.38) to RP 14.1 (English Station 683+18.70) was originally constructed in 1941 under project FAS 4-C(1). The roadway consisted of two 12' travel lanes and no shoulders.

The roadway from 14.1 (English Station 0+00.00) to RP 17.2 (English Station 160+38.10) was originally constructed in 1940 under project FAS 4-B(1). The roadway consisted of two 12' travel lanes and no shoulders.

The roadway surface has been improved over the years with the most recent activity occurring in 1995 where the roadway was overlayed and in 1996, the roadway from RP 12.2 (English As-Built Station 581+61.38) to RP 17.2 (English As-Built Station 160+38.10) was sealed and covered under project RTS 269-1(17)12.

Preliminary Field Review/Scope of Work Report

UPN 7628000, STPS 269-1(36)12, Bell Crossing – N & S
Project Manager: Ben Nunnallee, P.E.

Page 2 of 6

There is one typical section along this section of highway. The two-lane highway consists of two 12' travel lanes and no shoulders.

The existing surfacing consists of: 3.3 in. Bituminous Plant Mix
7.5 in. Crushed Base Course

There are two wood/timber structures on this project:

Bridge Number	Feature Crossed	Reference Post	English As-Built Stationing	Width x Length
N/A	Creek	13.9	671+54.00 to 671+69.00	28' x 15'
S00269015+02001	Willoughby Creek	15.2	39+90.50 to 40+09.50	28.2' x 19.0'

There are ten horizontal curves on the project. All but one of the horizontal curves (PI Station 569+70.00) exceeds the minimum radius of 1,200' required for a 60 mph design speed. The superelevation information is not available on the existing as-builts, but there do not appear to be any adverse issues related to the existing superelevation.

There are nine vertical curves and 14 changes in grade on this project. All curves meet stopping sight distance standards for a 60 mph design speed. There are no areas on the project that exceed the maximum allowable grade. The maximum gradient on the project is 0.890%.

The Pavement Management System generated the following performance indices for the survey year 2010 and treatment recommendations for the years 2011 and 2013:

TREATMENT YEARS 2011 & 2013

BEG RP	END RP	RIDE	RUT	ACI	MCI	CONST. TREAT. REC.
12.212	19.353	70.3 (fair)	48.0 (fair)	93.8 (good)	93.0 (good)	Minor Rehab Rut ('11), Minor Rehab Rut ('13)

Traffic Data

2011 AADT = 5,860 (Present)
2012 AADT = 6,070 (Letting Year)
2032 AADT = 12,080 (Design Year)
DHV = 1,330
Com Trucks = 1.1%
Growth Rate = 3.5% (Annual)
ESAL's = 35

Crash Analysis

A crash history will not be requested for this microsurfacing project.

Major Design Features

This project will be developed in accordance with the latest Guidelines for Nomination and Development of Pavement Projects. The plans will be developed in English units.

- a. **Design Speed.** The geometric design criteria for Rural Collector Roads (Secondary System) indicate that the design speed should be 60 mph based on the level terrain. The posted speed limit on the project is 65 mph. Design speed is not an applicable design criterion for preventative maintenance projects.

Preliminary Field Review/Scope of Work Report

UPN 7628000, STPS 269-1(36)12, Bell Crossing – N & S

Project Manager: Ben Nunnallee, P.E.

Page 3 of 6

- b. **Horizontal Alignment.** The existing horizontal alignment will not be changed with this microsurfacing preventative maintenance project.
- c. **Vertical Alignment.** The existing vertical alignment will not be changed with this microsurfacing preventative maintenance project.
- d. **Typical Sections and Surfacing.** The current typical section widths will remain unchanged. Before microsurfacing begins, there will be plant mix rut fill patching placed over the entire width of the roadway from Sta. 54+71.48 to Sta. 151+81.40 where the rutting is more pronounced than on the rest of the project. The patching will have an average depth of 0.15'. However, the placement of the patch will be at the discretion of the Construction Project Manager in order to fill the ruts in both lanes of traffic. Next, there will be two passes of microsurfacing placed on the project. The first, referred to as the scratch course, will fill the ruts over the entire project length. The second microsurfacing lift will be placed across the entire roadway. The application rate for each lift will be approximately 27.5 lbs/yd². The microsurfacing aggregate will have a "Type III" gradation with all aggregate passing the 3/8" sieve. The microsurfacing emulsion will be a CQS-1h polymer-modified asphalt emulsion.
- e. **Geotechnical Considerations.** There are no geotechnical considerations for this resurfacing project. The existing roadside slopes will not be disturbed and there are no grading considerations.
- f. **Hydraulics.** There are no hydraulics considerations for this microsurfacing preventative maintenance project.
- g. **Bridges.** There are two bridges on this segment of S-269. The first bridge runs from Sta. 671+54.00 to Sta. 671+69.00, and the second bridge from Sta. 39+90.50 to Sta. 40+09.50. Plant mix exists across the spans of both bridges. The new microsurfacing will be placed across both bridges.
- h. **Traffic.** The existing pavement marking layout will be used to re-stripe the roadway. A Traffic Engineering Consultant will provide the quantities, details, and specifications for interim paint and final epoxy. These items will be included in the road plans package. The Traffic Engineering Consultant will also provide the necessary plans, quantities, details, and specifications for upgrades to the signing and delineation.
- i. **Pedestrian/Bicycle/ADA.** There are no dedicated pedestrian or bicycle facilities. Due to the nature of this preventative maintenance project, no new accommodations will be added.
- j. **Miscellaneous Features.** There are no Miscellaneous Features associated with this project.
- k. **Context Sensitive Design Issues.** There are no special context sensitive design issues identified for this microsurfacing preventative maintenance project.

Other Projects

There is another microsurfacing pavement preservation project adjacent to the north end of this project: **Stevensville – South, UPN 7656000**, from RP 17.2 to RP 20.2. We currently anticipate that we will tie these two projects together in order to reduce costs.

Location Hydraulics Study Report

A Location Hydraulics Study Report will not be needed for this project.

Design Exceptions

The design exception process does not apply to pavement preservation projects. However, as previously noted, one of the horizontal curves does not meet current design standards.

Preliminary Field Review/Scope of Work Report

UPN 7628000, STPS 269-1(36)12, Bell Crossing – N & S
Project Manager: Ben Nunnallee, P.E.

Page 4 of 6

Right-of-Way

There will be no right-of-way involvement on this project.

Access Control

This section of highway is not an access control facility.

Utilities/Railroads

Utilities – There will be no utility involvement on this project.

Railroads – There are no railroads located within the project limits. There is a railroad to the east of the highway, but the closest it gets the roadway is about 300' at the southern end of the project.

Intelligent Transportation Systems (ITS) Features

Implementation of ITS solutions will not be included with this project.

Survey

Survey will not be required for this project.

Public Involvement

A Level A public involvement plan is appropriate for this project. A News Release explaining the project and including a department point of contact will be distributed to the local media.

Environmental Considerations

No significant environmental impacts or issues were identified. We reviewed the project and determined it meets the criteria for the Programmatic Agreement as a Categorical Exclusion under the provisions of 23 CFR 771.117(d) as signed by MDT on February 18, 2005 and concurred by FHWA on March 4, 2005. The Environmental Checklist for Pavement Preservation Projects has been submitted separately.

Energy Savings/Eco-Friendly Considerations

No energy savings/eco-friendly considerations are proposed for this microsurfacing preventative maintenance project.

Experimental Features

There are no experimental features identified for this microsurfacing preventative maintenance project.

Traffic Control

Traffic will be maintained through the construction of the project with appropriate signing, flagging, pilot cars, etc., in accordance with the Manual on Uniform Traffic Control Devices. The work zone will require single lane closures during construction operations. A minimum of one lane will remain open for traffic at all times during the construction of this project. Possible stipulations governing the time of year, the days of the week during which construction activities may take place, time of day, and maximum length of roadway that may be under construction at a time may be specified in the contract in order to minimize public impact.

A Transportation Management Plan (TMP) consisting of a Traffic Control Plan (TCP) is appropriate for this project. Due to the relatively simple nature of the work, the TCP will consist of only special provisions.

Preliminary Field Review/Scope of Work Report

UPN 7628000, STPS 269-1(36)12, Bell Crossing – N & S
Project Manager: Ben Nunnallee, P.E.

Page 5 of 6

Project Management

The Missoula District Design Crew will be responsible for developing the plans. Ben Nunnallee will manage the design of this project. See contact information below:

Ben Nunnallee, P.E.
Montana Department of Transportation
2100 West Broadway, PO Box 7039
Missoula, MT 59807-7039
(406) 523-5846
e-mail: bnunnallee@mt.gov

This project is not under full FHWA oversight.

Preliminary Cost Estimate

The nomination cost estimate (without IDC) that was originally programmed for this project was \$660,000 (CN = \$600,000 and CE = \$60,000). The total nomination cost estimate including IDC was \$793,670.

Current Cost Estimate:

	Estimated cost	Inflation (INF) (from PPMS)	TOTAL costs w/INF + IDC (from PPMS)
Road Work	\$566,000		
Traffic Control	\$29,000		
Subtotal	\$595,000		
Mobilization (10%)	\$60,000		
Subtotal	\$655,000		
Contingencies (8%)	\$52,000		
Total CN	\$707,000	\$13,528	\$789,986
CE (10%)	\$71,000	\$1,358	\$79,333
TOTAL CN+CE	\$778,000	\$14,886	\$869,319

Note: Inflation is calculated in PPMS to the letting date. If there is no letting date, the project is assumed to be inside the current TCP and is given a maximum of 5 years until letting. IDC is calculated at 9.64% as of FY 2012.

Ready Date

This project has a Ready Date of May 24, 2012. The Letting Date is currently scheduled for August 23, 2012. The project is currently on schedule in OPX2. We will try to expedite the design of this project so that it can be Let earlier and constructed in the 2012 construction season.

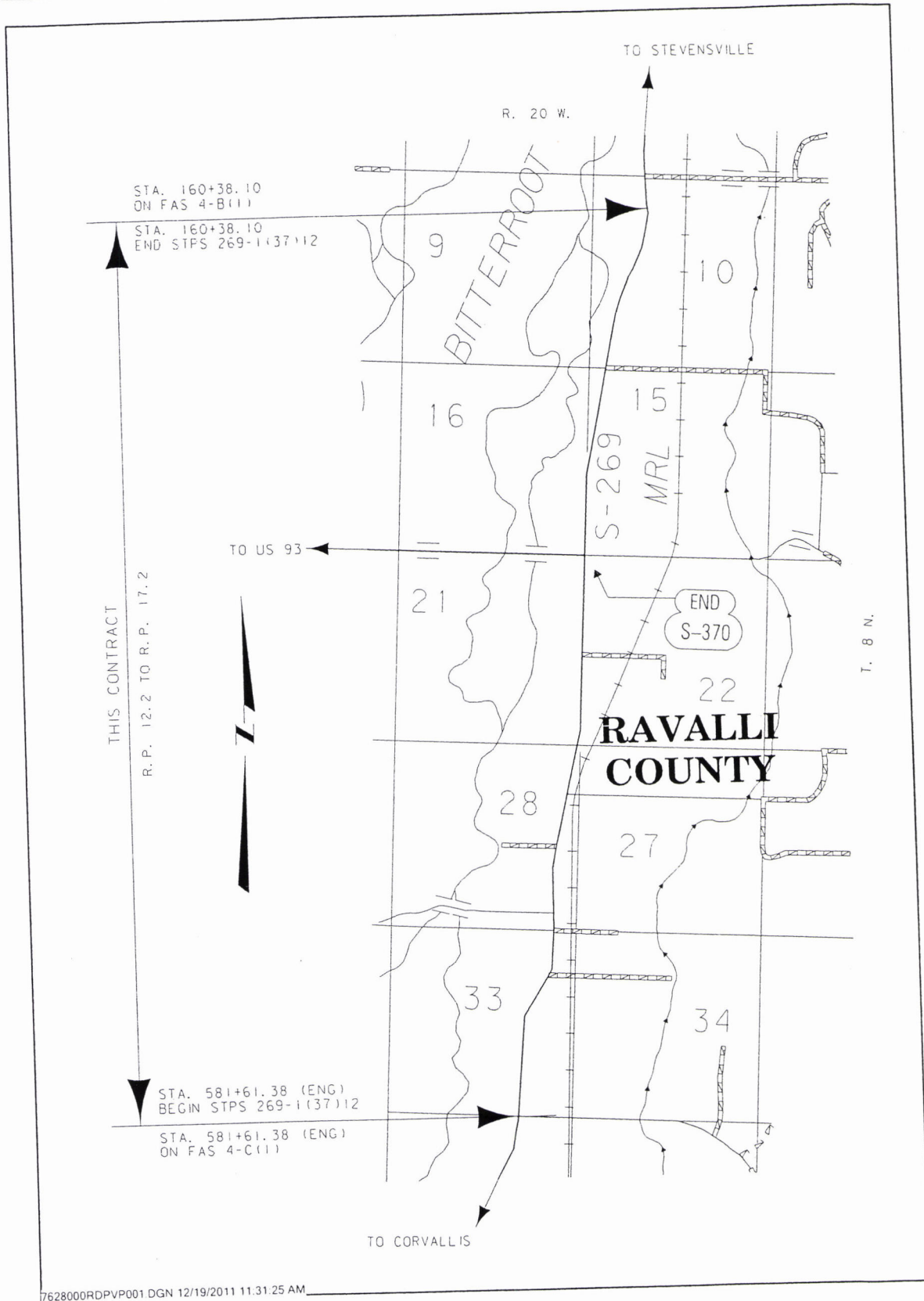
Site Map

The project site map follows.

Preliminary Field Review/Scope of Work Report

UPN 7628000, STPS 269-1(36)12, Bell Crossing - N & S
Project Manager: Ben Nunnallee, P.E.

Page 6 of 6





December 29, 2011

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Brian Hasselbach
Federal Highway Administration (FHWA)
585 Shepard Way
Helena MT 59602

Subject: Statewide Programmatic Categorical Exclusion for Pavement Preservation Project
Stevensville - South
STPS 269-1(38)17
Control Number: 7656000

Dear Brian Hasselbach:

The MDT Environmental Services Bureau has reviewed the Preliminary Field Review/Scope of Work Report (PFR/SOW) for the subject project. Based on the completed Environmental Checklist for Pavement Preservation Projects (Checklist), we conclude that the Statewide Programmatic Categorical Exclusion for these types of projects would cover this project. For your information, I have attached a copy of the PFR/SOW (including the location map) and the signed Environmental Checklist. Environmental-related Special Provisions will be included in the contract plans.

If you have questions or concerns, please contact Susan Kilcrease at 523.5842 or me at 444.7203. We will be pleased to assist you.

Sincerely,

Heidy Bruner, P.E.
Environmental Services Bureau Engineering Section Supervisor

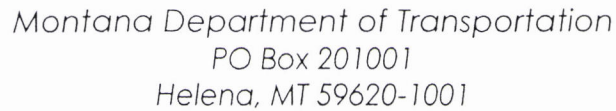
Attachments: PFR/SOW Report, Environmental Checklist

Enclosure

e-copies w/checklist encl.:

Shane Stack, acting Missoula District Administrator
Tom Martin, P.E., Environmental Service Bureau Chief
Heidy Bruner, P.E., ESB Engineering Section Supervisor
Paul Ferry, P.E., Highways Engineer
Kevin Christensen, P.E., Construction Engineer
Suzy Price, Contract Plans Bureau Chief
Dawn Stratton, Fiscal Programming
Alyce Fisher, Fiscal Programming
Susan Kilcrease, Missoula District Project Development Engineer
Ben Nunnallee, P.E., Project Design Manager

Montana Legislative Branch Environmental Quality Council
File



To: ✓ Tom S. Martin, P.E, Chief, Environmental Services Bureau

From: Paul R. Ferry, P.E., Highways Engineer

Date: December 19, 2011

Subject: STPS 269-1(38)17
Stevensville – South
UPN 7656000
Work Type 183 – Resurfacing – Seal and Cover

RECEIVED
DEC 20 2011
ENVIRONMENTAL

Attached is the Preliminary Field Review/Scope of Work Report for the subject project. The project meets the criteria for the Statewide Programmatic Categorical Exclusion for pavement preservation projects and the environmental checklist is attached.

Please send the notification for the environmental documentation on this project to the FHWA. If you need additional information, contact Ben Nunnallee at 406-523-5846.

Attachments (Environmental Checklist and PFR)

copies: Damian Krings, w/attach (checklist only)
Ben Nunnallee, Missoula District Project Design
Highways File, w/attach (checklist only)

Environmental Services				
A.C.	Info	Channp	Date 1-3	Initial
			Routing	
			Bureau Chief	
			Engineering Supervisor	
			Resources Supervisor	
			Haz-Waste Supervisor	
			CCP Supervisor	
/	/	/	Susan	
/	/	/	PAE	
/	/	/	JOW	
/	/	/	Brian	

(FOR PROJECTS WITH NO RIGHT-OF-WAY INVOLVEMENT)

Applicant cannot be authorized to proceed with the proposed work until ALL of the conditions of the checklist have been satisfied.

ENVIRONMENTAL CHECKLIST FOR PAVEMENT PRESERVATION PROJECTS

(CRACK SEALING, SEAL & COVER, THIN OVERLAYS, MILL & FILL, PLANT MIX LEVELING, MILL OGFC, MICRO SURFACING, FOG SEAL)

Project Number: STPS 269-1(38)17 **Control No** 7656000 **Project Name:** Stevensville – South

Reference Post (Station): RP 17.2 (160+38.10) **To Reference Post (Station):** RP 20.1 (312+00.00)

Applicant's Name: Montana Department of Transportation **Address:** PO Box 201001; Helena, MT 59620-1001

Type of Proposed Pavement Preservation Activity: Microsurfacing

IMPACTS ON THE PHYSICAL ENVIRONMENT (TO BE COMPLETED BY APPLICANT)

Impact Questions	[Y/N] There are Potential Impacts; or Item Requires Documentation, Evaluation, Mitigation Measures, and/or (a) Permit(s).		
	Yes	No	Comment (Use attachments if necessary)
1. Does the proposed action require work in, across, and/or adjacent to a listed or proposed Wild or Scenic River? (See http://www.rivers.gov/wildriverslist.html)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2a. Are there any listed or candidate threatened or endangered species in the vicinity of the proposed activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2b. Will the proposed action adversely affect listed or candidate threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action have potential to affect water quality? If 'Yes', an environment-related permit or authorization may be required. If 'No', go to question 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. If the answer to question 3 is yes, is a Clean Water Act Section 402 permit (i.e., MPDES or NPDES permit) required? (Need for an MPDES or NPDES is generally triggered by a disturbance area equal to or greater than one acre.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
3b. Is the proposed project within an MS4 Permit Area? (See http://deq.mt.gov/wqinfo/MPDES/StormWater/ms4.mcp.x). (Billings, Great Falls, and Missoula Urbanized areas, and Butte, Bozeman, and Helena)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Does the proposed project have impacts to wetlands, streams, or other water bodies? If 'No', go to question 5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4a. If the answer to question 4 is 'Yes', is a Clean Water Act Section 404 permit authorization required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
4b. If the answer to question 3 or 4 is 'Yes', is a Stream Protection Act 124SPA consultation required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
5. Are solid wastes, hazardous materials or petroleum products likely to be encountered? (For example, project occurs in or adjacent to Superfund sites, known spill areas, underground storage tanks, or abandoned mines.) (See http://nris.mt.gov/deq/remsitequery/portal.aspx)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Is the proposed activity on and/or within approximately 1 mile of an Indian Reservation? If answer is 'No', go to question 7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6a. Are any Tribal water permits required?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A
7. Is the proposed project in a "Class I Air Shed" or a nonattainment area? (See http://deq.mt.gov/AirQuality/Planning/AirNonattainment.mcp.x) (Class I Air Sheds include the Northern Cheyenne, Flathead, and Fort Peck Reservations; Glacier and Yellowstone National Parks; Anaconda-Pintlar, Bob Marshall, Cabinet Mountains, Gates of the Mountains, Medicine Lake, Mission Mountain, Red Rock Lakes, Scapegoat, Selway-Bitterroot, and U.L Bend Wilderness Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Checklist prepared by:

Ben Nunnallee

Applicant

Project Design Engineer

Title

12/19/2011

Date

Approved by:

Environmental Services

SECTION SUPERVISOR

Title

1/5/12
Date

(When any of the above questions are checked "Yes")

The Applicant is **not** authorized to proceed with the proposed work until the checklist has been reviewed and approved, as necessary, and any requested conditions of approval have been incorporated.

- A. Complete the checklist items 1 through 7, indicating "Yes" or "No" for each item. Include comments, explanations, information sources, and a description of the magnitude/importance of potential impacts in the right hand column. Attach additional and supporting information as needed. The checklist preparer, by signing, certifies the accuracy of the information provided.
- B. When "Yes" is indicated on any item, the checklist preparer must explain why and provide the appropriate documentation, evaluation, permit, and/or mitigation measures required to satisfy environmental concerns for the project. Use attachments if necessary. **Any proposed mitigation measures will become a condition of approval.**
- C. If the applicant checks "Yes" for any one item, the checklist and MDT's mitigation proposal, documentation, evaluation and/or permit shall be submitted to MDT Environmental Services Bureau. Electronic format is preferred. Contact Number 444-7228.
- D. When the applicant checks a "Yes" item, MDT cannot be authorized to proceed with the proposed work until Environmental Services Bureau reviews the information and signs the checklist.
- E. MDT will obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the Pavement Preservation Activity.
- F. The links above are provided as a starting point for potential sources of information for completing the checklist. The Applicant is encouraged to consult Environmental Services Bureau and/or other information sources.



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

MASTER FILE
COPY

Memorandum

To: Paul Ferry, P.E.
Highways Engineer

From: Ben Nunnallee, P.E.
Missoula District Preconstruction Engineer (Acting)

Date: December 19, 2011

Subject: STPS 269-1(38)17
Stevensville – South
UPN 7656000
Work Type 183 – Resurfacing - Seal and Cover

Please approve the attached Preliminary Field Review Report/Scope of Work Report.

Approved  Date Dec-19, 2011
For Paul Ferry, P.E.
Highways Engineer

The same report is also being distributed under a separate cover as a Scope of Work Report for comments and approval recommendations.

cc (w/attach.):
Damian Krings, Road Design Engineer

Preliminary Field Review/Scope of Work Report

UPN 7656000, STPS 269-1(38)17, Stevensville – South

Project Manager: Ben Nunnallee, P.E.

Page 1 of 7

Introduction

An onsite field review was held on November 21, 2011. The following people attended:

Ben Nunnallee – Missoula District Projects Engineer

Sandy Dorsett – Missoula District Design Supervisor

Dan Hill – MDT Surfacing Design

Joe Leary – Missoula District Road Design

Proposed Scope of Work

The proposed project has been nominated to preserve the asphalt pavement and to extend the service life of the roadway. Microsurfacing is proposed for this project. Replacement of the signing and pavement markings will also be included.

This project was originally nominated as a mill / fill and seal & cover project. However, during the field review, the project team decided that this project would be a good candidate for microsurfacing due to the pavement being in pretty good shape other than the rutting.

Purpose and Need

The purpose of this project is to preserve the existing pavement to extend the service life of the existing asphalt surfacing. This section of highway is due for pavement resurfacing before the deterioration of the pavement begins to accelerate.

Project Location and Limits

This project is located in Ravalli County on S-269. The project begins at Reference Post (RP) 17.2±, south of Higgins Lane, at English Station 160+38.10, on As-Built plans FAS 4-A(1). The project extends northerly 2.9 miles to the north side of the intersection of S-269 and Eastside Highway (S-203) at RP 20.1± in Stevensville, English Station 312+00.00, on As-Built plans RTS 269-1(3)19. This segment of road is located in Township 8 N, Range 20 W (Sections 10 and 3) and in Township 9 N Range 20 W (Sections 34 and 27).

S-269 is on the Secondary Highway System and is functionally classified as a Major Collector (Rural). See the attached location map.

Work Zone Safety and Mobility

At this time, Level 2 construction zone impacts are anticipated for this project as defined in the Work Zone Safety and Mobility (WZSM) guidance. The plans package will include a Transportation Management Plan (TMP) consisting of a Traffic Control Plan (TCP). A limited Public Information (PI) component to address public notification will also be included. These issues are discussed in more detail under the Traffic Control and Public Involvement sections.

Physical Characteristics

The existing terrain within the project limits is level, mostly in a rural agricultural setting. The 0.8-mile section of highway at the northern end of the project that goes through Stevensville is in an urban setting with residences and businesses. Private, public, and farm field approaches are located throughout the project length.

The roadway from RP 17.2 (English Station 160+38.10) to RP 20.2 (English Station 317+41.00) was originally constructed in 1939 under project FAS 4-A(1). The roadway consisted of two 12' travel lanes and no shoulders.

The original surfacing consisted of: 1.5 in. Bituminous Plant Mix

Preliminary Field Review/Scope of Work Report

UPN 7656000, STPS 269-1(38)17, Stevensville – South
Project Manager: Ben Nunnallee, P.E.

Page 2 of 7

3.5 in. Top Course Gravel
6.0 in. Loose Sub-Base Material

In 1984, the roadway from RP 19.4 (English As-Built Station 274+00.00) to RP 20.1 (English As-Built Station 312+00.00) was reconstructed under project RS 269-1(3)19. The design speed for this project was 25 mph.

The following is a summary of the typical sections and the locations of each typical section from metric project RS 269-1(3)19 that are pertinent to this project:

274+00.00 to 274+50.00 – 28' (2 travel lanes, and 2 shoulders)
274+50.00 to 276+00.00 – 26.5' (2 travel lanes, 1 shoulder, curb and gutter on one side)
276+00.00 to 278+38.50 – Transition
278+38.50 to 293+00.00 – 44' (2 travel lanes, 2 shoulders, and curb and gutter on each side)
293+00.00 to 293+50.00 – Transition
293+50.00 to 295+76.00 – 46.5' (2 travel lanes, 2 shoulders, and curb and gutter on each side)
295+76.00 to 296+58.90 – Transition
296+58.90 – 56.7' (2 travel lanes, 2 shoulders, parking on one side, and curb and gutter on each side)
296+58.90 to 297+00.80 – Transition
297+00.80 to 311+38.00 – 80' (2 travel lanes, 2 shoulders, and parking and curb and gutter on each side)
311+38.00 to 311+71.40 – Transition
311+71.40 to 312+0.00 – 53' (2 travel lanes, 2 shoulders, and a painted median)

The existing surfacing consists of: 2.4 in. Bituminous Plant Mix
6.6 in. Crushed Base Course

The most recent roadway surfacing occurred in 1995 where the roadway was overlayed and in 1996, the roadway from RP 17.2 (English As-Built Station 160+38.10) to RP 19.4 (English As-Built Station 274+00.00) was sealed and covered under project RTS 269-1(17)12.

There is one typical section along this section of highway. The two-lane highway consists of two 12' travel lanes and no shoulders.

There is basically one typical section along this section of highway. The two-lane highway consists of two 12' travel lanes and no shoulders.

The existing surfacing consists of: 3.3 in. Bituminous Plant Mix
7.5 in. Crushed Base Course

There is one structure on this project:

Bridge Number	Feature Crossed	Reference Post	English As-Built Stationing	Width x Length
S00269020+08001	Bitterroot River Overflow	20.8	260+07.20 to 260+23.50	28.1' x 16.3'

There are seven horizontal curves and two changes in bearing on the project. The horizontal curve at PI Station of 272+00.50 (within the section of roadway designed for 60 mph) is the only curve out of four that exceeds the minimum radius of 1,200' required for a 60 mph design speed. All three horizontal curves within the section of roadway designed for 30 mph exceed the minimum

Preliminary Field Review/Scope of Work Report

UPN 7656000, STPS 269-1(38)17, Stevensville – South

Project Manager: Ben Nunnallee, P.E.

Page 3 of 7

radius of 220'. The superelevation information is not available on the existing as-builts, but there do not appear to be any adverse issues related to the existing superelevation.

There are 13 vertical curves and four changes in grade without vertical curves on this project. All curves meet stopping sight distance standards for a 60 mph design speed. There are no areas on the project that exceed the maximum allowable grade. The maximum gradient on the project is 3.180%.

The Pavement Management System generated the following performance indices for the survey year 2010 and treatment recommendations for the years 2011 and 2013:

TREATMENT YEARS 2011 & 2013

BEG RP	END RP	RIDE	RUT	ACI	MCI	CONST. TREAT. REC.
12.212	19.353	70.3 (fair)	48.0 (fair)	93.8 (good)	93.0 (good)	Minor Rehab Rut ('11), Minor Rehab Rut ('13)
19.353	21.364	72.7 (fair)	59.8 (fair)	99.2 (good)	93.5 (good)	Crack Seal & Cover ('11), Thin Overlay ('13)

Traffic Data

2011 AADT = 7,220 (Present)
2012 AADT = 7,470 (Letting Year)
2032 AADT = 14,570 (Design Year)
DHV = 1,600
Com Trucks = 1.0%
Growth Rate = 3.4% (Annual)
ESAL's = 42

Crash Analysis

A crash history will not be requested for this microsurfacing project.

Major Design Features

This project will be developed in accordance with the latest Guidelines for Nomination and Development of Pavement Projects. The plans will be developed in English units.

- Design Speed.** The geometric design criteria for Rural Collector Roads (Secondary System) indicate that the design speed should be 60 mph based on the level terrain. In Stevensville, from RP 19.4 to RP 20.1, the roadway was designed for a 30 mph design speed. The posted speed limit at the beginning of the project is 65 mph. At RP 17.30± the posted speed limit changes to 55 mph. The posted speed limit then changes to 45 mph at RP 18.14±, to 35 mph at RP 19.22±, and to 25 mph at RP 19.24±. The posted speed limit remains at 25 mph for the remainder of the project. Design speed is not an applicable design criterion for preventative maintenance projects.
- Horizontal Alignment.** The existing horizontal alignment will not be changed with this microsurfacing preventative maintenance project.
- Vertical Alignment.** The existing vertical alignment will not be changed with this microsurfacing preventative maintenance project.
- Typical Sections and Surfacing.** The current typical section widths will remain unchanged. Before microsurfacing begins, there will be a 12' wide digout section centered on the centerline of the roadway from Sta. 285+28.80 to Sta. 290+40.10. This digout section will be removed and repaved. Next, there will be two passes of microsurfacing placed on the project. The first, referred to as the scratch course, will fill

Preliminary Field Review/Scope of Work Report

UPN 7656000, STPS 269-1(38)17, Stevensville – South
Project Manager: Ben Nunnallee, P.E.

Page 4 of 7

the ruts. The second microsurfacing lift will be placed across the entire roadway. The application rate for each lift will be approximately 27.5 lbs/yd². The microsurfacing aggregate will have a "Type III" gradation with all aggregate passing the 3/8" sieve. The microsurfacing emulsion will be a CQS-1h polymer-modified asphalt emulsion.

- e. **Geotechnical Considerations.** There are no geotechnical considerations for this resurfacing project. The existing roadside slopes will not be disturbed and there are no grading considerations.
- f. **Hydraulics.** There are no hydraulics considerations for this microsurfacing preventative maintenance project.
- g. **Bridges.** There is one bridge on this segment of S-269. The bridge runs from Sta. 260+07.20 to Sta. 260+23.50. Plant mix exists across the span of the bridge. The new microsurfacing will be placed across the bridge.
- h. **Traffic.** The existing pavement marking layout will be used to re-stripe the roadway. A Traffic Engineering Consultant will provide the quantities, details, and specifications for interim paint and final epoxy. These items will be included in the road plans package. The Traffic Engineering Consultant will also provide the necessary plans, quantities, details, and specifications for upgrades to the signing and delineation.
- i. **Pedestrian/Bicycle/ADA.** There are no dedicated pedestrian or bicycle facilities. Due to the nature of this preventative maintenance project, no new accommodations will be added.
- j. **Miscellaneous Features.** There are no Miscellaneous Features associated with this project.
- k. **Context Sensitive Design Issues.** There are no special context sensitive design issues identified for this microsurfacing preventative maintenance project.

Other Projects

There is another microsurfacing pavement preservation project adjacent to the south end of this project: **Bell Crossing – N&S, UPN 7628000**, from RP 12.2 to RP 17.2. We currently anticipate that we will tie these two projects together in order to reduce costs.

There is also a CTEP project: **Stevensville Streetscape, UPN 7320000** in Stevensville on S-269 from RP 19.7 to RP 20.1 to improve pedestrian facilities in town by constructing bulbouts at intersections, reconstructing sidewalks and ADA features. This project is also scheduled for construction in late 2012. This project is being designed by a Consultant. As the design of this CTEP project progresses, we'll determine how the CTEP project and this pavement preservation project may impact each other and modify the designs accordingly.

Location Hydraulics Study Report

A Location Hydraulics Study Report will not be needed for this project.

Design Exceptions

The design exception process does not apply to pavement preservation projects. However, as previously noted, three of the horizontal curves do not meet current design standards.

Right-of-Way

There will be no right-of-way involvement on this project.

Access Control

This section of highway is not an access control facility.

Preliminary Field Review/Scope of Work Report

UPN 7656000, STPS 269-1(38)17, Stevensville – South
Project Manager: Ben Nunnallee, P.E.

Page 5 of 7

Utilities/Railroads

Utilities – There will be no utility involvement on this project. Existing manholes, water valves, and storm drains within the roadway will be protected so that they will not be impacted by the pavement resurfacing.

Railroads – There are no railroads located within the project limits.

Intelligent Transportation Systems (ITS) Features

Implementation of ITS solutions will not be included with this project.

Survey

Survey will not be required for this project.

Public Involvement

A Level A public involvement plan is appropriate for this project. A News Release explaining the project and including a department point of contact will be distributed to the local media.

Environmental Considerations

No significant environmental impacts or issues were identified. We reviewed the project and determined it meets the criteria for the Programmatic Agreement as a Categorical Exclusion under the provisions of 23 CFR 771.117(d) as signed by MDT on February 18, 2005 and concurred by FHWA on March 4, 2005. The Environmental Checklist for Pavement Preservation Projects has been submitted separately.

Energy Savings/Eco-Friendly Considerations

No energy savings/eco-friendly considerations are proposed for this microsurfacing preventative maintenance project.

Experimental Features

There are no experimental features identified for this microsurfacing preventative maintenance project.

Traffic Control

Traffic will be maintained through the construction of the project with appropriate signing, flagging, pilot cars, etc., in accordance with the Manual on Uniform Traffic Control Devices. The work zone will require single lane closures during construction operations. A minimum of one lane will remain open for traffic at all times during the construction of this project. Possible stipulations governing the time of year, the days of the week during which construction activities may take place, time of day, and maximum length of roadway that may be under construction at a time may be specified in the contract in order to minimize public impact.

A Transportation Management Plan (TMP) consisting of a Traffic Control Plan (TCP) is appropriate for this project. Due to the relatively simple nature of the work, the TCP will consist of only special provisions.

Project Management

The Missoula District Design Crew will be responsible for developing the plans. Ben Nunnallee will manage the design of this project. See contact information below:

Ben Nunnallee, P.E.

Preliminary Field Review/Scope of Work Report

UPN 7656000, STPS 269-1(38)17, Stevensville – South
Project Manager: Ben Nunnallee, P.E.

Page 6 of 7

Montana Department of Transportation
2100 West Broadway, PO Box 7039
Missoula, MT 59807-7039
(406) 523-5846
e-mail: bnunnallee@mt.gov

This project is not under full FHWA oversight.

Preliminary Cost Estimate

The nomination cost estimate (without IDC) that was originally programmed for this project was \$880,000 (CN = \$800,000 and CE = \$80,000). The total nomination cost estimate including IDC was \$1,089,973.

Current Cost Estimate:

	Estimated cost	Inflation (INF) (from PPMS)	TOTAL costs w/INF + IDC (from PPMS)
Road Work	\$269,000		
Traffic Control	\$21,000		
Subtotal	\$290,000		
Mobilization (10%)	\$29,000		
Subtotal	\$319,000		
Contingencies (8%)	\$26,000		
Total CN	<u>\$345,000</u>	<u>\$6,601</u>	<u>\$385,495</u>
CE (10%)	<u>\$35,000</u>	<u>\$669</u>	<u>\$39,107</u>
TOTAL CN+CE	<u>\$380,000</u>	<u>\$7,270</u>	<u>\$424,602</u>

Note: Inflation is calculated in PPMS to the letting date. If there is no letting date, the project is assumed to be inside the current TCP and is given a maximum of 5 years until letting. IDC is calculated at 9.64% as of FY 2012. The project's lower cost estimate is due to revising the scope from a mill/fill and seal & cover to a microsurfacing treatment.

Ready Date

This project has a Ready Date of May 24, 2012. The Letting Date is currently scheduled for August 23, 2012. The project is currently on schedule in OPX2. We will try to expedite the design of this project so that it can be Let earlier and constructed in the 2012 construction season.

Site Map

The project site map follows.

UPN 7656000, STPS 269-1(38)17, Stevensville – South
Project Manager: Ben Nunnallee, P.E.

TO US 93

R. 20 W.

STA. 312+00.00
ON PTS 269-113119

STA. 312+00.00
END STPS 269-1137112

TO S-203

T. 9 N.

RAVALLI
COUNTY

T. 8 N.

TO CORVALLIS

7656000RDPVP001.DGN 11/30/2011 8:20:06 AM

**FINDING OF NO SIGNIFICANT IMPACT and
NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS
(FONSI/NOI/RROF)**

December 30, 2011
Date

Lewis and Clark County
County

316 North Park Avenue
Mailing Address

Helena, MT 59623
City, State, Zip Code

(406) 447-8383
Telephone

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or before *January 17, 2012*, the above-named *Lewis and Clark County* will request the Montana Department of Commerce (DOC) to release Community Development Block Grant (CDBG) funds provided under Title I of the Housing and Community Development Act of 1974, as amended (PL 93-383), for the following construction project:

The River Rock Residences, consisting of thirty-three (33) units of senior-designated affordable housing located in Helena, Montana, in Lewis and Clark County.

Finding of No Significant Impact

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the above-named *Lewis and Clark County* has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reason for the decision not to prepare such Statement is as follows:

There will be no significant impact on the environment as determined by a thorough environmental assessment.

An Environmental Review Record documenting review of all project activities in respect to impacts on the environment has been made by the above-named *Lewis and Clark County*. This Environmental Review Record is on file at the above address and is available for public examination and copying upon request between the hours of 8:00 AM and 5:00 PM.

No further environmental review of such project is proposed to be conducted prior to the request for release of CDBG project funds.

Public Comments on Findings

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments for consideration by *Lewis and Clark County* to the *Montana Department of Commerce* on or before January 17, 2012. All such comments so received will be considered and *Lewis and Clark County* will not request release of funds or take any administrative action on the project prior to the date specified in the preceding sentence.

Release of Funds

Lewis and Clark County will undertake the project described above with CDBG funds provided by DOC under Title I of the Housing and Community Development Act of 1974, as amended. *Lewis and Clark County* is certifying to DOC that *Lewis and Clark County's certifying officer, Laura Erikson*, in her official capacity as Grants Coordinator, consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, *Lewis and Clark County* may use the CDBG funds and DOC will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections to State Release of Funds

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

- (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce;
- (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process;
- (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DOC; or
- (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to: Department of Commerce, Community Development Division, 301 S. Park Avenue, P.O. Box 200523, Helena, Montana 59620.

Objections to the release of funds on bases other than those stated above will not be considered by DOC. No objection received after February 6, 2012 will be considered by DOC.

EXHIBIT 2-Q

MONTANA DEPARTMENT OF COMMERCE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

REQUEST FOR RELEASE OF FUNDS (RROF)

(Pursuant to Section 104(h) of Title I of the Housing and
Community Development Act of 1974 as Amended)

ENVIRONMENTAL -- FOR ENVIRONMENTAL ASSESSMENT*

1. NAME OF GRANTEE	2. GRANT/CONTRACT NUMBER
Lewis and Clark County	MT CDBG 11HR-01
3. ADDRESS (Include Street, City, State, ZIP Code.)	4. REQUEST DATE
316 N. Park Ave. Helena MT 59623	01/17/2012

5. **REQUEST FOR RELEASE OF FUNDS.** Release of approved grant funds for the following project is requested.

PROJECT

River Rock Residences

GRANTEE

Lewis and Clark County

6. **CERTIFICATION.** With reference to the above project, I the undersigned officer of the applicant, certify:

- That the applicant has at least fifteen (15) days prior to submitting this request for release of funds and certification, published and disseminated, in the manner prescribed by 24 CFR 58.43 a notice to the public (a copy of which is attached) in accordance with 24 CFR 58.70);
- That the applicant has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project named above; that the applicant has complied with the National Environmental Policy Act of 1969; that the applicant has complied with environmental procedures, permit requirements and the statutory obligations of the laws cited in 25 CFR 58.5; and that the applicant has taken into account the environmental criteria, standards, permit requirements and other obligations applicable to the project under the other related laws and authorities cited in 24 CFR 58.5;
- That the level of environmental clearance carried out by the applicant in conjunction with this project [] did [X] did not require the preparation and dissemination of an environmental impact statement;
- That the dates upon which all statutory and regulatory time periods for review, comment, or other response or action in regard to this clearance began and ended as indicated below; applicant is in compliance with the requirements of 24 CFR Part 58;

	COMMENCE MO/DAY/YR	EXPIRE MO/DAY/YR
15-day Notice of No Significant Impact: Publication	12/31/2011	1/17/2012
15-day DOC Decision Period	1/18/2012	2/1/2012
Other (Specify)		

- That I am authorized to, and do, consent to assume the status of responsible federal officer under the National Environmental Policy Act of 1969 and each provision of the law specified in 24 CFR 58.5 insofar as the provisions of these laws apply to state and federal responsibilities for environmental review, decisionmaking and action assumed and carried out by the applicant; that by so consenting, I assume the responsibilities, where applicable, for the conduct of environmental review, decisionmaking, and action as to environmental issues, preparation and circulation of draft, final and supplemental environmental impact statements, and assumption of lead agency or cooperating agency responsibilities for preparation of such statements on behalf of State and Federal agencies, when these agencies consent to such assumption.
- That I am authorized to consent to, and do, accept on behalf of the applicant and personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my official capacity as certifying officer of the applicant.



Laura Erikson

Grants Coordinator, 316 N. Park, Helena, Montana 59623

Signature, Title and Address of Certifying Officer or Chief Elected Official

January 17, 2012
Date

WARNING -- Section 1001 of Title 18 of the United States Code and Criminal Procedures shall apply to this certification. Title 18 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter with the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.